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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to Security Council presidential statement S/PRST/2008/6, by which the Council requested me to submit a report on the implementation of its resolutions 1612 (2005), 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004) on children and armed conflict. The report includes information on compliance with applicable international law to end the recruitment and use of children in armed conflict and other grave violations being committed against children affected by armed conflict;[1] information on progress made in the implementation of the monitoring and reporting mechanism and action plans to halt the recruitment and use of children, as well as progress made in mainstreaming children and armed conflict issues in United Nations peacekeeping and political missions; and a brief summary of the conclusions of the Security Council Working Group on Children and Armed Conflict, and of its progress.

2. The report includes a proposal to strengthen the monitoring and reporting on rape and other grave sexual violence against children. The Office of my Special Representative has also identified the following emerging concerns in relation to the children and armed conflict agenda as key priority areas for action and continued

[1] Applicable international law relating to the rights and protection of children in armed conflict include, in particular, the Geneva Conventions of 1949 and obligations applicable under the Additional Protocols thereto of 1977, the Convention on the Rights of the Child of 1989, the Optional Protocol thereto of 25 May 2000, and the amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and the Convention on Cluster Munitions.

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advocacy. These concerns include internally displaced children and their particular risks for recruitment; terrorism and counter-terrorism measures and its impact on children; the accountability of child soldiers for acts committed during armed conflict, and special protections accorded to them; control on the transfer and use of arms and ammunitions, particularly to countries where children are known to be, or may potentially be, recruited or used in hostilities; and measures to achieve sustainable reintegration of children affected by conflict.

3. The report covers compliance and progress in ending the recruitment and use of children and other grave violations, including the killing and maiming of children, rape and other grave sexual violence, abductions, attacks on schools and hospitals, and the denial of humanitarian access to children by parties to armed conflict.

4. The preparation of the present report involved broad consultations within the United Nations, in particular with the Task Force on Children and Armed Conflict at Headquarters, country-level task forces on monitoring and reporting, peacekeeping and political missions and United Nations country teams, as well as with concerned Member States and non-governmental organizations (NGOs). Country-level task forces on monitoring and reporting, peacekeeping and political missions and United Nations country teams are the primary sources of information for the report.

5. References to reports, cases and incidents in the present report refer to information that is gathered, vetted and verified for accuracy. In situations where access to obtaining or independently verifying information received is hampered by factors such as insecurity or access restrictions, it is qualified as such.

6. Pursuant to Security Council resolution 1612 (2005), in identifying the situations that fall within the scope of her mandate, my Special Representative for Children and Armed Conflict is guided by the criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence.[2] In the performance of her mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, with a humanitarian emphasis, focusing on ensuring broad and effective protection for children exposed and affected by conflict in situations of concern. Reference to a situation of concern is not a legal determination and reference to a non-State party does not affect its legal status.

II. Information on compliance and progress in ending the recruitment and use of children and other violations being committed against children

7. The present report provides information on developments covering the period from September 2007 to December 2008, as well as some developments that have extended beyond the reporting period. Reports of the Secretary-General on children and armed conflict in Afghanistan, Burundi, Chad, the Democratic Republic of the

[2] See, for example, common article 2 of the 1949 Geneva Conventions; article 1 of Additional Protocol II of 1977 thereto; International Committee of the Red Cross, J. PICTET (ed.), *Commentary on the Geneva Conventions of 1949* (1958); and *Prosecutor v. Dusko Tadic*, Case No. IT-94, International Criminal Tribunal for the Former Yugoslavia Appeals Chamber (2 October 1995).

Congo, Myanmar, Nepal, Philippines, Somalia, Sri Lanka and Uganda were also submitted to the Security Council and its Working Group on Children and Armed Conflict during the reporting period.

8. Progress made by the parties listed in annexes I and II to the present report, and named in the body of my 2007 report (A/62/609-S/2007/757), have been assessed with respect to whether they have ceased recruiting and using children, and whether they have refrained from committing other grave violations against children. Progress made by the parties is also assessed with respect to whether they have engaged in dialogue with country-level task forces on monitoring and reporting, as called for in Security Council resolutions 1539 (2004) and 1612 (2005), and whether through that dialogue, or in the context of other processes, such as disarmament, demobilization and reintegration programmes or the signing of peace agreements, they have developed and implemented action plans to end the use of children and released all children from their ranks, and made specific commitments to address other grave violations against children for which they have been cited.

9. Parties who fully comply with terms set forth in action plans and undertake verified measures to address other grave violations for which they have been cited, to the satisfaction of the country-level task force on monitoring and reporting and the Task Force on Children and Armed Conflict, will be considered for de-listing from the annexes. Ongoing monitoring by the country-level task force on monitoring and reporting is required to ensure the protection of children and compliance with the undertakings given by parties that have been de-listed. Should it be determined that de-listed parties recruit and use children at a later point in time, or fail to allow continuous and unhindered access to the United Nations for verification, they will be re-listed onto the annexes, and the Security Council will be alerted to the non-compliance.

A. Information on compliance and progress in situations on the agenda of the Security Council

Developments in Afghanistan[3]

10. Allegations of recruitment of children by armed groups, including those associated with the Taliban, have been received from all regions, particularly from the south, south-east and east. Recruitment is also reported to be prevalent in areas with high concentrations of returnees or internally displaced persons, particularly in the south and south-eastern provinces. Recently, allegations were received of children living in the southern border areas who were being approached and offered money to carry out activities on behalf of armed groups. A study conducted by the United Nations Assistance Mission in Afghanistan (UNAMA) also documented cases of children being used by the Taliban to carry out suicide attacks.

11. There are also concerns that due to inadequate age-verification procedures in its recruitment processes, children have been found in ranks of the Afghan National Police.

[3] For more information on and examples of incidents of grave violations against children in Afghanistan, see S/2008/695.

12. Children have been captured, arrested and detained by Afghan law enforcement agencies and international military forces because of their alleged association with armed groups. There is evidence of children being ill-treated, detained for long periods of time by the National Directorate of Security and prevented access to legal assistance, in contravention of the provisions of the Afghan Juvenile Code and international standards on juvenile justice. In November 2007, a 17-year-old boy arrested by the National Directorate of Security in relation to the murder of the head of the Department of Women's Affairs by the Taliban in Kandahar was detained with no charge until August 2008 and was allegedly severely beaten and deprived of food and sleep. He was later transferred to National Directorate of Security detention in Kabul, tried and sentenced to 15 years of imprisonment in Pul-i-Charki adult prison.

13. Reports of child casualties due to the conflict have been received from all across Afghanistan. Children are caught between opposing sides in the ongoing conflict in the southern and eastern regions. Between January and December 2008, 73 children were killed and 91 injured in the eastern region; and 100 children were killed and 116 injured in the southern region. Children have also been victims of asymmetric attacks, which have included suicide bombings, vehicle-borne improvised explosive devices, body-borne improvised explosive devices, and attacks by anti-government elements including the Taliban, in the north-east, west and central regions, which primarily target national and international security forces, governmental infrastructure and personnel. For example, on 20 October 2008 in Kunduz Province, a suicide bomber blew himself up in the vicinity of an international forces checkpoint, killing five children and seriously injuring two more. Furthermore, a total of 106 children (94 boys and 12 girls) were killed and 409 children (354 boys and 55 girls) injured from landmines and unexploded ordnance in the reporting period, mainly in the Baghlan, Kabul and Kandahar provinces.

14. Since my last annual report, there has been an escalation of incidents affecting the education sector, including attacks on schools, students and teachers. From September 2007 to September 2008, 321 cases were recorded, compared to 133 cases reported over the same period last year. As of September, the Ministry of Education reported that 99 schools had been attacked, burned or destroyed by anti-government elements, including the Taliban, and 600 schools were closed since the start of the year, with 80 per cent of the closures being in the southern provinces of Helmand, Kandahar, Zabul and Urozgan. Students, teachers and other education personnel have been threatened or killed. During the reporting period, approximately 20 children were killed and 27 seriously injured, mainly in the central and south-eastern regions. These incidents were perpetrated by anti-government elements, including the Taliban. A particularly disturbing incident occurred on 12 November 2008, when Taliban militants attacked a group of girls en route to school by throwing acid on their faces. They were reportedly paid 100,000 Pakistani rupees for each girl they were able to burn. Schools have also been unintentionally damaged in artillery exchanges with anti-government elements and international military forces.

15. The conflict has negatively affected access to basic health services in almost half of the country, with the southern region being the most affected. Medical personnel have been targeted by anti-government elements, including the Taliban. On 14 September 2008, two World Health Organization (WHO) doctors and their

driver were killed by the Taliban during a targeted suicide attack in Spin Boldak. The impact of the violence is further exacerbated by the dissemination of night letters throughout the country by anti-government elements, including the Taliban, instructing civil servants to stop working for government and international organizations. This is instilling fear and panic, and particularly affecting female health service workers.

16. Humanitarian access is increasingly restricted in conflict-affected areas, aggravated by recurrent threats, beatings, abductions and killings of humanitarian workers, attacks and looting of aid convoys. Anti-government elements, including the Taliban, were responsible for more than 144 attacks on humanitarian personnel in 2008, in which 38 humanitarian workers were killed. These groups have expanded their presence turning many areas of the country into "no-go" zones, particularly in the south, south-east and east. As of December 2008, 79 out of 398 districts were inaccessible to United Nations agencies for the delivery of humanitarian assistance to millions of Afghans, including children.

17. Reports of children being sexually abused and exploited by members of armed forces and groups were documented. Although some incidents were investigated and perpetrators sentenced to imprisonment, in most incidents they are not officially reported for fear of retaliation, and only a few reach the prosecution stage. Nevertheless, a few cases of influential leaders of armed groups using young boys for sexual purposes were prosecuted.

Developments in Burundi

18. The Parti pour la libération du peuple Hutu-Forces nationales de libération (Palipehutu-FNL) led by Agathon Rwasa continues to recruit and use children. From January to December 2008, 152 children between the ages of 9 and 17 were confirmed to have been recruited by FNL. An increase in the incidence of recruitment coincided with the 26 May 2008 Government/FNL joint declaration on the cessation of hostilities and the gathering of FNL in pre-assembly and assembly areas where the recruitment of hundreds of students along with or by their teachers was reported. The children were promised demobilization benefits by FNL, which was probably seeking to inflate its numbers. During the initial verification of FNL combatants assembled in Rugazi in June 2008, approximately 150 children were present. In August 2008, following the sensitization on children in the disarmament, demobilization and reintegration process, FNL submitted a list acknowledging the presence of 30 children in Rugazi, although their separation was blocked on two occasions by the FNL leadership. This issue has still not been resolved.

19. Children were also found associated with the alleged FNL dissidents at the Randa and Buramata assembly areas. The alleged dissidents agreed to the release of all children in exchange for their inclusion in the formal demobilization, reintegration and rehabilitation process. In April, the separation and demobilization of 220 children was completed, and all the children were reunited with their families by July 2008. An additional 69 children associated with the alleged dissidents were identified in September 2008, and their separation by the national authorities is pending the establishment of the new government disarmament, demobilization and reintegration structure.

20. The Group of Special Envoys for Burundi met in Bujumbura on 16 and 17 January 2009. Following the meeting, they issued the Bujumbura Declaration,

which set out deadlines on critical aspects of the peace process, including the unconditional separation of all children associated with FNL by 30 January 2009. FNL failed to meet that deadline. It subsequently assured the Government and the international community of its willingness to release the children associated with the movement, but again made the release conditional on the start of the disarmament, demobilization and reintegration process for all its combatants and the integration of its members into security institutions. Despite repeated pledges and agreements, FNL has failed to cooperate on this issue.

21. In October 2008, allegations were received of child recruitment by forces of General Laurent Nkunda's Congrès national pour la défense du peuple (CNDP). According to the Burundi National Police, investigations on possible recruitments were being carried out in Cibitoke and Bujumbura Marie provinces. The country task force is closely monitoring the situation.

22. Sexual violence against children continues to be a serious concern, with a vast majority of the reported victims being girls. From January to December 2008, the United Nations Integrated Office in Burundi registered 476 cases of rape and sexual violence against children between the ages of 1 and 17 years, of which 449 were girls and 27 boys. The perpetrators included members of the Burundi National Police, the Burundi National Defence Forces, FNL and alleged FNL dissidents, although a majority of the cases were perpetrated by civilians in an environment of insecurity and impunity. The recent adoption of the revised Penal Code by the National Assembly and by the Senate with amendments that strengthen the sentencing of perpetrators of sexual violence against children is welcomed.

Developments in the Central African Republic[4]

23. Reports indicate that Armeé populaire pour la restauration de la République et de la démocratie (APRD), Union des forces démocratiques pour le rassemblement (UFDR), Forces démocratiques populaires de Centrafrique (FDPC), and Mouvement des libérateurs centrafricains pour la justice (MLCJ) recruit and use children. Self-defence militias are also found to be recruiting children into their ranks, particularly in the Ouham-Pénde region. There are concerns that these militias have in some cases been supported by the Government of the Central African Republic and that they have been used as auxiliaries by the Forces armées centrafricaines (FACA). An increasing presence of armed children recruited by these militia groups has been sighted along main roads from Bossangoa to Bouar to Bocaranga. Although not a systematic practice, there are also reports of some elements of FACA and the Presidential Guard committing other grave violations against children, including killing, maiming, and attacks on schools.

24. In February and March 2008, attacks by the Lord's Resistance Army (LRA) on villages in the Obo area, in south-eastern Central African Republic, led to the abduction of approximately 55 children (40 boys and 15 girls). The majority of the children abducted were under 15 years of age. According to the testimonies of some children who were abducted and later released by LRA, the children were being used as soldiers and for auxiliary tasks, and some of the girls were used as sexual

[4] For more information on and examples of incidents of grave violations against children in the Central African Republic, see S/2009/66.

slaves. Two girls under the age of 18 testified that they were repeatedly gang-raped by LRA elements.

25. Incidence of rape and sexual violence against children by armed elements is of grave concern. In March 2008, 5 of the 15 girls released by UFDR were found to have been regularly sexually violated by members of the group. Three girls reported that they were either raped or gang raped. All the girls were between the ages of 11 and 17 at the time of release. Cases of rape and sexual violence and of abduction, killing and maiming of children have also been attributed to the zaraguinas, who are from the Central African Republic, the Sudan, Chad, Cameroon, Mali and Uganda, and on occasion are made up of elements from the Central African Republic rebel groups or from the Chadian and the Central African Republic armed forces.

26. Patterns of displacement are unique in the Central African Republic, and can be distinguished in two categories. In the first case, persons leave their villages in an organized manner and stay in the bush for a few days. Such "preventive" displacement or coping strategy is usually provoked by rumours of movements of armed forces and groups or zaraguinas. In the second case, displacement is a reaction to unexpected attacks on villages by armed forces and groups or zaraguinas, and populations typically have no time to organize their escape and leave without any basic necessities. They may hide in the bush, move from one village to the other, or end up in the internally displaced persons camp of Kabo (central north). In this unpredictable context, children are particularly vulnerable, given the possibility of being left behind or suffering grave violations such as abduction and recruitment, killing, maiming, or sexual violence.

Developments in Chad[5]

27. Information gathered by the United Nations confirms that there is a consistent pattern of recruitment of children by both Government forces and rebel groups, including in refugee camps and internally displaced persons sites, particularly in eastern Chad. Between March and August 2008, there were reports of missing children recruited in all camps visited. All indications show that those children have joined the Justice and Equality Movement (JEM) rebel group. In most camps, some refugee leaders act as focal points to facilitate the recruitment of children, in particular for JEM. These leaders reportedly take advantage of social gatherings in the camps, such as religious celebrations or wedding parties, to incite children into joining the rebellion. The Government of Chad is reported to be aware of this fact, and, according to consistent information received, some local officials have been assisting in the recruitment.

28. The presence of military elements in the camps has been reported. According to information received, JEM has opened offices in some camps, including in Oure Cassoni (Bahai), the second largest refugee camp in the country, and the closest to the Sudanese border. It has also opened offices in the city of Iriba, broadcasting and distributing public appeals, calling for people, including children, to support and join them.

29. The recruitment and use of children is also perpetrated by other Sudanese armed groups generally referred to as Toroboros. The Toroboros are reported to have

[5] For more information on and examples of incidents of grave violations against children in Chad, see S/2008/532.

recruited children in the Breidjine and Treguine refugee camps between July and August 2008.

30. Thousands of children remain associated with armed groups belonging to different rebel factions such as the Convention révolutionnaire démocratique du Tchad (CRDT), Concorde nationale tchadienne (CNT), Front uni pour le changement (FUC) and Union des forces pour la démocratie et le développement (UFDD).

31. Government officials deny that Armée Nationale Tchadienne (ANT) recruits children. However, it should be noted that 13 per cent of the 555 children released from the armed forces and groups in 2007 and 2008 originated from ANT, particularly from the Centres d'Instruction Militaire of Lumia and Moussoro, and from the Gendarmerie Nationale, including the Legion de Abeche and Ecole de la Gendarmerie de N'Djamena. Further, most Chadian self-defence groups operating in Ade, Dogdore and Mogororo, listed in my last annual report, have been integrated into the Chadian national army. These elements received formal training at the Moussoro Military Instruction Centre. There are no more children present in their ranks.

32. In addition, at the end of 2007 and throughout 2008, children were reportedly recruited by the Direction Générale de Sécurisation des Services et Institutions de l'Etat (DGSSIE), which is directly in charge of special military operations. Those children were recruited south and east of N'Djamena for the sum of 333,000 FCFA each (US$ 600), or in exchange for a motorcycle. Many of them were sent to DGSSIE training centres in Amtinene and Moussoro. Information corroborated from various sources confirmed that approximately 100 children from a DGSSIE contingent left the Moussoro training centre in July 2008, and were deployed in different units of the DGSSIE in the Gassi and Amtinene camps and Camp des Martyrs in N'Djamena. They are frequently spotted in the streets of N'Djamena and in the operational units in Tine, Adre, Am Zoer, Goz Beida and Abeche in the east.

33. Women and girls in refugee camps and internally displaced persons sites, as well as in the surrounding towns and villages, have been subject to sexual assaults. Rape and physical assaults directed at girls are mainly attributed to unidentified uniformed armed men but also to ANT soldiers from units operating in the hills of Goz Beida and Modeina area. Cases of sexual and gender-based violence show an increasing trend of abuse towards refugee and internally displaced females, in particular girls under the age of 10.

34. The reporting period was characterized by a number of attacks targeting humanitarian personnel and assets. In most cases, the attackers seized material assets, while in others the attackers were more violent, killing humanitarian staff. Perpetrators are believed to be mainly armed elements and members of rebel groups who use extorted property for their military campaigns. There were also reports that, in some instances, members of ANT were implicated in incidents against humanitarian personnel. The consequences of these attacks for civilians and children in particular have been severe. Humanitarian programmes were disrupted in Iridimi, Touloum, Ade, Adre and Dogdore. It is important to note that in many incidents of carjacking of humanitarian vehicles, the attackers drove into the Sudan, emphasizing the cross-border nature of this problem.

Developments in Côte d'Ivoire

35. There was no substantiated evidence of use of child soldiers by armed forces or groups in the reporting period. In February 2008, the United Nations Operations in Côte d'Ivoire (UNOCI) received a small number of allegations against militia groups in the west, which were investigated through the established United Nations verification modality and disproved. The leadership of the groups allowed full and unhindered access by the United Nations for verification. Following that, the militia groups issued a communiqué on 17 February 2008 condemning the use of child soldiers and reiterating their full commitment to their action plan and to Security Council resolutions. Similar cooperation is also extended by Forces de défense et de sécurité des Forces nouvelles (FDS-FN).

36. Rape and other sexual violence, as well as other grave violations against children, are prevalent throughout Côte d'Ivoire and are perpetrated with impunity by individuals and groups, often unidentified, who take advantage of the current deficit in the rule of law and administration of justice. The situation is more serious in areas under the control of FDS-FN in the north of Côte d'Ivoire. Some progress has been noted in Government-controlled areas, although many reported cases remain uninvestigated or unprosecuted.

37. In follow-up to the conclusions of the Security Council Working Group on Children and Armed Conflict, the Ministry of Family, Women and Social Welfare requested UNOCI to submit a draft proposal to the Government on the creation of a national commission for children affected by armed conflict, in accordance with international law and taking into account the principles relating to the status of national institutions. A separate proposal on the establishment of a national action plan to combat sexual violence was also submitted at the request of the Government in September 2008. These proposals are under review by the Government.

38. The leadership of FDS-FN also developed and signed a programme of action against sexual violence on 19 January 2009, in response to the request of the Working Group. The programme of action includes elements of prevention, addressing impunity and providing witness protection and assistance to victims of sexual violence, and will constitute a stopgap measure pending the establishment of a national action plan to combat sexual violence by the Government. In a letter addressed to my Special Representative in Côte d'Ivoire dated 17 April 2008, the militia groups in the west also expressed their willingness to join efforts to address sexual violence.

Developments in the Democratic Republic of the Congo[6]

39. During the reporting period, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) documented a total of 554 children (including 26 girls), who were newly recruited. Of those documented cases, 86 per cent occurred in North Kivu, 12 per cent in South Kivu, 1 per cent in Oriental province and 1 per cent in Rwanda. New cases of recruitment of children have been attributed to Coalition des patriotes résistants congolais (PARECO) (29 per cent), all Mai-Mai factions (32 per cent), CNDP (24 per cent) and Forces démocratiques de

[6] For more information on and examples of incidents of grave violations against children in the Democratic Republic of the Congo, see S/2008/693.

libérations du Rwanda (FDLR) (13 per cent). A total of 1,098 children, including 48 girls, were documented to have separated from or escaped from armed groups.

40. Although systematic recruitment of children by the Forces armées de la République démocratique du Congo (FARDC) have ceased in accordance with their military policy and applicable international laws, children continue to be integrated into the force through the brassage process, owing to lack of proper screening. The release of children present within FARDC has been frequently obstructed, and child protection partners have been denied access to brassage centres by some FARDC commanders in order to identify and separate children. The presence of some children continues to be reported in remaining non-integrated FARDC brigades, particularly in the Kivus.

41. The recruitment of children and their use in active combat by CNDP increased because of the resumption of fighting with FARDC in late 2007 and since September 2008. In November 2008, CNDP recruited children from schools in Masisi and Rutshuru territories. CNDP also detained children captured from various armed groups during the fighting.

42. FDLR and its sub-groups FDLR-Forces combattantes abacunguzi (FOCA), FDLR-Rally for Unity and Democracy and FDLR-Soki continue to recruit children, including many children from Rwanda. Between June 2007 and September 2008, a total of 84 Rwandan children separated from armed groups were repatriated by MONUC. Out of that total, 48 were recruited by FDLR, 25 by CNDP, 7 by FARDC and 4 by Mai-Mai groups.

43. In Ituri, following the surrender of the main militia leaders, no new recruitments were reported from Mouvement révolutionnaire congolais (MRC) and Forces de résistance patriotique en Ituri (FRPI). Only a few cases of recruitment were documented and attributed to Front nationaliste et intégrationaliste (FNI).

44. Widespread sexual violence remains a grave concern, with a majority of the perpetrators being elements of armed groups in the regions of active conflict, but also including FARDC soldiers and national police officers. In 2008, children constituted 2,727 cases of sexual violence in Oriental province; among them 2,204 cases in Ituri, 528 cases in South Kivu, and 1,196 cases in North Kivu.

45. Since September 2008, reports of abduction of large numbers of children by LRA were received. As of November 2008, MONUC documented 154 cases following the LRA attacks in and around Dungu, Haut Uélé district, Oriental province. At the end of December 2008, further cases of abduction, killing and sexual violence against children were reported after attacks on Faradje and Doruma. Between September and December, 104 children escaped LRA and received reintegration support by child protection partners. In December 2008, FARDC, the Sudan People's Liberation Army (SPLA) and the Uganda People's Defence Force (UPDF) launched a joint military attack on LRA rebels in the Democratic Republic of the Congo, provoking the dispersion of LRA towards the Sudanese border and south of Congolese territory.

46. During the periods of renewed fighting in North Kivu, there was an increase in reports of attacks on schools and health facilities by CNDP and Mai-Mai. As FARDC reinforced their positions, cases of lootings and occupation of schools and health facilities attributed to FARDC elements in Ituri and the Kivus were reported. From July 2008, at least 10 violent attacks on humanitarian convoys, institutions

and individuals attributed to the Mai-Mai and 5 cases attributed to FARDC soldiers were received.

47. Recent significant events such as the splitting of CNDP, the detention of Laurent Nkunda by the Rwandan Government and the joint military operations by FARDC and Rwandan Defence Forces (RDF) against FDLR may also carry significant implications for children, in terms of the increased risk of children being used in military operations, or killed or injured in hostilities, as well as the demobilization of children within CNDP and other armed groups.

Developments in Georgia

48. The dramatic escalation of hostilities in South Ossetia, Georgia, on 7 and 8 August 2008, and the subsequent conflict significantly affected the situation in and around the regions of Abkhazia and South Ossetia. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the fighting has led to the displacement of approximately 158,700 persons, with 120,700 displaced within Georgia and 38,000 South Ossetians having sought refuge in the Republic of North Ossetia of the Russian Federation. UNICEF has estimated that, as of 1 January 2009, there remain 12,000 children internally displaced and 400 children displaced in the Republic of North Ossetia of the Russian Federation.

49. According to the Georgian Ministry of Labour, Health and Social Affairs, a total of 228 persons, including two children, were killed during and immediately after the hostilities. Reports indicate that some of the casualties were due to actions by regular troops that fought during the August conflict, as well as by South Ossetian militias. According to the de facto authorities in South Ossetia, there were approximately 1,692 civilian casualties, including children. However, the United Nations indicated 391 civilians were killed and 2,234 injured. Mines and other unexploded remnants of war continue to pose a threat to a returning population in the areas adjacent to the South Ossetia administrative boundary line. Seven people, including three children, have been injured by unexploded remnants of war in various villages in Shida Kartli region. As of the end of September 2008, approximately 26,500 unexploded remnants of war were cleared from the adjacent areas and 98,240 from the South Ossetian zone of conflict.

50. Approximately 99 schools suffered damage from the conflict to varying degrees, including from rocket attacks. Loss of school equipment and furniture was also reported both as a result of military action and subsequent looting. In Tskhinvali, 6 schools and kindergartens were destroyed, and 22 others were damaged, according to the de facto authorities in South Ossetia.

51. As of the beginning of September 2008, 13 clinics in Gori and in the adjacent areas were not functioning owing to infrastructure damage and/or the displacement of health-care workers, having serious consequences for the provision of health services to children. Doctors and nurses were also killed or seriously injured from sniper shooting or bombardments of medical infrastructure during the conflict. Clinics in Karaleti and Dvani were severely damaged; Tkviavi hospital and three clinics in Mereti, Nikozi and Berbuki were damaged; and several primary health-care facilities in Dzevera, Mereti and Nikozi were completely looted. Almost all health-care facilities in South Ossetian villages, including in Sarabuk, Pris, Ebet, Khetagurovo and Satikar, were totally destroyed. The main hospital in Tskhinvali was hit by rockets reportedly launched by Georgian forces.

52. There has been no humanitarian access to South Ossetia from the south since the August conflict, although the United Nations has been allowed full access to Abkhazia, Georgia. This has limited the ability of the United Nations to obtain information on the situation of children and their needs and to investigate child protection concerns. Humanitarian access to South Ossetia is currently provided through the Republic of North Ossetia of the Russian Federation. The International Committee of the Red Cross (ICRC) gained access to its office in Tskhinvali on 20 August 2008, and provides humanitarian assistance to the four districts comprising South Ossetia, including Tskhinvali.

Developments in Haiti

53. Since my last annual report, armed elements in Haiti have been dismantled through military and police operations by the United Nations Stabilization Mission in Haiti (MINUSTAH) and the Haitian National Police. However, children were used in violent political demonstrations throughout the country, roadblocks and lootings, as well as in the attempt to enter the Presidential Palace compound in April 2008. MINUSTAH military battalions reported that approximately 30 per cent of the protestors were children. MINUSTAH confirmed that 45 children were arrested under charges of criminal conspiracy and detained in the Delmas-33 detention centre, in Port-au-Prince, for their participation in the violent demonstrations. Children also continue to be used by armed elements to carry out abductions and weapons smuggling.

54. In the last quarter of 2007, MINUSTAH reported an alarming phenomenon among some armed elements in the area of Jamaica Base, Cité Soleil. These groups were equipping children with toy guns that looked realistic, and the children had approached MINUSTAH military checkpoints brandishing these weapons. Preliminary investigations indicated that the armed elements acting as political spoilers were using the children in an attempt to instigate public disorder.

55. The abduction of children remains a serious concern, particularly in Port-au-Prince and Cap-Haitien. A total of 126 children, including 60 girls, were abducted by armed elements in the reporting period. The majority of girls abducted were also raped or sexually abused. Students on their way to or from schools have been particularly targeted by abductors.

56. Despite an overall improvement in security, 52 children were killed in the reporting period, mainly caught in cross-fire between Haitian National Police and armed elements.

57. Sexual violence, including gang rapes, against children perpetrated by armed elements in the context of insecurity and impunity continues to be reported. The report on sexual violence against girls and women in Haiti by the National Forum against Violence against Women (Concertation Nationale contre les violences faites aux femmes) estimated that from cases documented between January and June 2008, 50 per cent of the rape victims were girl children. The report highlights that the number of reported cases has increased, as a result of the improved security situation allowing girls to seek support without fear of retaliation and sensitization activities encouraging girl victims to obtain follow-up assistance.

58. MINUSTAH confirmed that 297 children, including 30 girls, are being detained in detention centres throughout the country as at the end of December

2008; 60 per cent of them are being detained for their alleged association with armed groups and 87 per cent are held in prolonged pre-trial detention, some of them since 2004.

Developments in Iraq

59. While the human rights situation in Iraq remained serious in 2008, the country has witnessed gradual stabilization and security improvements, with a lower number of violent, high-visibility, high-casualty attacks by non-State armed groups and criminal gangs. The capabilities of groups such as Al-Qaida in Iraq have diminished considerably over the past several months. However, Al-Qaida in Iraq is now suspected of training children to become fighters or insurgents, after video footage of such training sessions was discovered during a raid by United States soldiers on a hideout in Khan Bani Saad, north-east of Baghdad, in February 2008. In another reported case, on 26 May, in Sumer (Mosul), Iraqi troops arrested six boys between the ages of 15 and 18, who were suspected of being trained by a Saudi Al-Qaida member to carry out suicide bombings.

60. There are particular concerns about non-State armed groups allegedly using children to support operations such as transporting improvised explosive devices, acting as lookouts for other armed actors and as suicide bombers. On 15 May 2008, insurgents strapped explosives to a young girl and remotely detonated her as she approached an Iraqi Army command post in Yousifiyah; on 2 September, a 15-year-old boy blew himself up among pro-government militia members in al-Tarmiyah (northern Baghdad); and on 10 November, a 13-year-old girl blew herself up at a checkpoint in Ba'qubah.

61. The case of a 15-year-old girl, would-be suicide bomber, made international headlines when she was arrested by Ba'qubah police on 24 August 2008, still wearing an explosive vest. She was married to an alleged Al-Qaida militant at the age of 14, after leaving school at the age of 11. Both her father and brother had allegedly been suicide bombers.

62. While there are no reports of children in the new Iraqi Army, there are disturbing reports of children being recruited into the ranks of the Awakening Councils. The recent decision by the Iraqi Government to integrate the Awakening Councils into the Iraqi Army may alleviate these concerns. United Nations partners have documented 472 children who have been recruited and used by local militias in disputed areas.

63. Killing and maiming due to armed violence remained a continuing occurrence although at decreased levels in Iraq, and children were among the victims. On 31 December 2007, five children were victims of a suicide car bomb in al-Tarmiyah; on 16 July 2008, a car bomb explosion in a market in Tal Afar (Ninewa governorate) killed nine children; and on 22 September, a bomb blast in Hammam al-Ali (south of Mosul) killed five children who were playing near their homes. There were some cases of attackers directly targeting children. These include an incident that occurred on 18 November 2007 in Ba'qubah, when a suicide bomber detonated his vest containing explosives while United States soldiers were handing out toys to children in a playground, killing three children. On 22 January 2008, a suicide bomber blew himself up at the entrance to al-Mutwra school in Ba'qubah, injuring 17 students and 4 teachers.

64. Civilians, including children, were unintentionally injured or killed by multinational force (MNF-I) air strikes, military ground operations or during checkpoint confrontations. The most notable campaign was the MNF-I joint action with Iraqi security forces on militias in Baghdad's Sadr City in April and May 2008. Although militias were successfully driven out, the use of air strikes and other high-calibre weaponry in the densely populated area led to a considerable number of civilian casualties. The spokesman of the Baghdad Security Plan reported that, as of 30 April, 925 people had been killed due to many causes, including insurgent killings. Many of those killed were non-combatants, but no precise gender or age disaggregation of victims was carried out.

65. There have been incidents of children being killed by employees of private military and security companies. On 16 September 2007, at least one child was among the 17 persons killed by Blackwater guards in Baghdad's Nisoor Square, when they fired into a crowd of civilians following an alleged security threat. Five indictments were handed down against Blackwater team members in the United States District Court for the District of Columbia for manslaughter. A sixth Blackwater member has already pleaded guilty to one count each of manslaughter, attempted manslaughter and aiding and abetting.

66. As of December 2008, there were 838 children in conflict with the law under custody of the Government of Iraq. Some children have been detained or imprisoned for conflict-related reasons such as alleged participation in insurgent activities or other forms of association with armed groups. During a United Nations Assistance Mission in Iraq (UNAMI) visit to the central prison of Fallujah, it was revealed that in one cell (of 25 square metres) reserved for juveniles, 29 inmates as young as 14 years old were being confined. Eight of the children have been in pre-trial detention for more than one year. Children continue to face the threat of sexual and physical abuse by Iraqi police and prison guards, particularly upon arrest and during the early stages of investigations. Detained children have also been allegedly subjected to threats and ill-treatment by investigators with the aim of obtaining a confession. The Government of Iraq has made serious commitments to improve the conditions of children in detention. UNICEF and UNAMI human rights advocacy to apply the Amnesty Law of February 2008 contributed to the release of 750 children detained in Iraqi facilities without trial or formal charges.

67. The administrative detention of children allegedly associated with armed groups by MNF-I had been a major concern in the recent past. The situation is no longer at a crisis level, with a decrease in detainee figures from 874 as of 8 December 2007 to approximately 500 as of mid-May 2008, and to 58 as of 17 December 2008. The children are being treated well, but the vague basis for their internment "required for imperative reasons of security" remains troubling. The United States-Iraq security agreement that came into force on 1 January 2009 no longer authorizes MNF-I to detain individuals for reasons of imperative security.

68. Children's access to education has been compromised by insecurity and population movement due to insecurity in 2007 and 2008. The UNESCO National Education Support Strategy from Iraq released in April 2008 estimates that 2 million children of primary school age do not attend school largely because of the security situation. UNICEF received reports that schools have also been threatened by groups promoting religious extremism, particularly against girl schools in south and

central Iraq. On 27 March 2008, armed elements blew up a school building in Saydiyah.

69. In Diyala governorate, efforts were under way to have MNF-I, the Iraqi Army and Iraqi police units vacate more than 70 school buildings they had occupied and used for military purposes. The use of public buildings for military purposes may continue to decrease given the end of the "surge", improving conditions on the ground, and articles within the United States-Iraq security agreement that require United States forces to vacate all Iraqi cities and villages by the end of June 2009.

Developments in Lebanon

70. As a result of the use of cluster munitions by Israel during the 2006 conflict, the United Nations Mine Action Coordination Centre has investigated and recorded seven child casualties (one killed and six injured) in the reporting period. These incidents occurred in Nabatieh and Bint-Jbeil. Children will continue to be exposed to the threat of explosive remnants of war in all affected regions because of the unprecedented usage of cluster munitions in residential areas, villages, schools and agricultural lands, and as long as there is lack of information on the cluster bomb strike data and the clearance of the munitions. During her mission to Lebanon in April 2007, my Special Representative requested the Government of Israel to hand over the strike data to the Government of Lebanon or the United Nations Mine Action Coordination Centre in south Lebanon; however, there has been no response from the Government of Israel to date.

71. Although Lebanon has signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, it has not yet ratified it. Although the ratification instrument was submitted to Parliament on 11 February 2002, ratification continues to be delayed.

Developments in Myanmar

72. According to official reports shared by the Ministry of Foreign Affairs, the Government of Myanmar continues to screen and release underage children found in its armed forces during the training process. The Government informed that 68 children were detected in various military training schools and were released to their parents and guardians during the reporting period. The 68 cases included 12 children who were released through the International Labour Organization (ILO) mechanism, 1 released and reported to ICRC, and 2 released and reported to ILO and ICRC. ILO, through its mechanism to eliminate the use of forced labour, has verified the release of 23 children, mostly from involuntary military enrolment, based on complaints filed by parents and relatives. An additional 14 cases either await Government response or remain open while the process continues. The complaints lodged have been dealt with expeditiously by the Government Working Group for the elimination of forced labour, although they are assumed to represent only a portion of the actual cases.

73. The Government further informed that it has discharged nine military recruitment officers from service for violating the national military recruitment law. The United Nations has not been able to verify that. However, on underage recruitment cases received by ILO, no action against perpetrators has been taken under either the Penal Code or military regulations which results in imprisonment. ILO has noted that three military personnel received administrative penalties, such

as a demotion or loss of salary, for the illegal recruitment of children. Minor progress has also been made with the recent release and quashing of cases involving two underage recruits who were imprisoned for desertion.

74. The Government also informed the United Nations country task force that it has put procedures in place for the rehabilitation and reintegration of underage recruits. UNICEF has not been permitted access to children who were released through the Government's mechanisms for follow-up purposes. Discussions with the Government have been initiated by the United Nations to address methods for accessing released children, as well as to undertake inspections of recruitment centres, training schools and camps, with a view to identifying children, gaining their release and subsequently supporting their reintegration and rehabilitation.

75. Details on children released and verified by ILO as already being in the care of their families have been shared with UNICEF. UNICEF is working towards offering them rehabilitation support as appropriate under their existing child protection programme, subject to its gaining Government approval. No broader programme initiative is available at the present time.

76. UNICEF met Wa authorities in early 2008, which included a visit to two military camps, where the Wa State Army was managing and running four primary schools. This is worrisome, given the allegations of their recruitment and use of child soldiers. The Wa reported that the students are not given military training and that they are attired in military uniform because these are affordable. The children are orphans, street children or children from poor families. No further assessment was carried out and there has been no further contact with the Wa authorities.

77. Reports from camps along the border areas found one case of a child recruited by the Karen National Union (KNU) and three cases of children associated with the Karenni National Progressive Party (KNPP). A 14-year-old boy escaped from KNU in January 2008, after being forced to join in September 2006. In June 2008, a 16-year-old boy travelled to a KNPP base to become a soldier. His parents visited the base and requested his release, which was refused by KNPP. The parents sighted approximately 20 children at the base. The monitoring and reporting mechanism has been established in all nine camps along the border in order to improve the verification of cases and raise awareness on the issue of child soldiers among camp residents.

78. Although there have been reports of the presence of children among other groups listed in my 2007 report (i.e., the Democratic Karen Buddhist Army (DKBA), Karen National Union/Karen National Liberation Army Peace Council, Kachin Independence Army (KIA), Karenni National People's Liberation Front (KNPLF), Myanmar National Democratic Alliance Army (Kokang) in northern Shan State, and the Shan State Army-South), the United Nations had not been able to establish contact with any of these groups as of end December 2008.

Developments in Nepal[7]

79. As of 25 May 2006 2,973 Maoist army personnel were assessed to be under the age of 18, and, at the time of reporting, were still being held in Maoist army

[7] For more information on and examples of incidents of grave violations against children in Nepal, see S/2008/259.

cantonments. Following the commitment made by the Prime Minister of Nepal to my Special Representative on 5 February 2009, the Army Integration Special Committee decided to request the Government to immediately release the children from the cantonments. Prior to the formal verification procedures called for in the Comprehensive Peace Agreement of November 2006, many children informally self-released, and in some cases, escaped or went absent after official leave. In other cases, children were released after negotiations by their families or members of the country monitoring and reporting task force. There are 10 documented cases of self-released children being pressured or forced to return to cantonment sites by the Unified Communist Party of Nepal (Maoist) (UCPN-M), the Maoist army or the Young Communist League (YCL), the youth wing of UCPN-M. Since July 2007, approximately 7,500 children and young people formerly associated with armed forces and groups, and 3,000 children affected by the conflict, have benefited from community-based reintegration programmes in 58 districts.

80. During campaigning for the Constituent Assembly election held on 10 April 2008, all major political parties either used children or did not prevent children from participating in the electoral campaign. In some cases, YCL used children in acts of intimidation. On election day many children between the ages of 7 and 15 years were observed participating in political party activities, some violent, breaching the election code of conduct which restricts the use of children. The participation of children in demonstrations raised protection concerns when violence by some demonstrators and excessive use of force by security forces caused injury to some children. Children were sometimes given risky roles in these demonstrations, such as carrying flaming torches, burning tires and throwing stones at the police, and there were instances where homeless children were paid to undertake these roles. The creation of militant youth wings with self-declared policing roles, including YCL, the Communist Party of Nepal-Unified Marxist-Leninist (UML) Youth Force, the Madhesi Peoples Rights Forum and the Nepali Congress, are also raising protection concerns.

81. As an update on the previously reported case of Maina Sunuwar, a 15-year-old girl who died while in custody of the then Royal Nepal Army in 2004, a case was filed and the district court issued a summons for the four army officers accused of intentional homicide to appear before the court. The four officers were all still at large at the time of reporting.

82. Abductions, killings, explosions of improvised explosive devices and attacks on schools and teachers by armed groups in the Tarai (southern plains) region continued, with children making up a disproportionate number of the victims. Three cases of abduction and killings of teachers and principals were attributed to the Tarai armed group Janatantrik Tarai Mukti Morcha led by Jwala Singh, and one case of abduction of a 6-year-old child was attributed to the Tarai Mukti Tigers. Some Tarai armed groups are alleged to have been recruiting and using children, and the United Nations is seeking to verify these allegations.

Developments in the Occupied Palestinian Territory and Israel

83. A total of 112 Palestinian children were killed in the reporting period up to 26 December 2008 in the Occupied Palestinian Territory, and a further 431 children were killed during the hostilities from 27 December 2008 to 18 January 2009. Of the total 543 children killed, 96 per cent of deaths were as a result of Israeli Defense

Forces (IDF) operations and 4 per cent were because of factional violence. The majority of deaths occurred in Gaza. The main causes for the killings included shootings during IDF raids, Israeli search and arrest campaigns, IDF launched ground-to-ground and Israeli Air Force missile strikes, tank shells fired in the course of IDF ground operations, aerial bombardments and a few cases of shootings at crossings as children approached IDF checkpoints. Children were also killed during armed clashes resulting from Palestinian factional violence.

84. A total of 581 Palestinian children were injured in the reporting period up to 26 December 2008 in the Occupied Palestinian Territory, with 71 per cent of the injuries occurring in the West Bank. From 27 December 2008 to 18 January 2009, an additional 1,871 children were injured in Gaza. The main causes of injuries included shelling and aerial bombardment by IDF, rubber-coated metal bullets fired by IDF at protestors during demonstrations, IDF military operations, including search and arrest campaigns, military incursions, and assaults by Israeli settlers. During her visit to Israel in April 2007, my Special Representative raised with the Israeli authorities the issue of the frequency of settler attacks on Palestinian children in Hebron and al-Tuwani village and the need for effective law enforcement and accountability. The Government committed to fully investigate the cases; however, the outcome of these investigations is pending. Approximately 35 children have also been injured during armed clashes as the result of Palestinian factional violence.

85. Four Israeli children were killed by a Palestinian gunman in an attack on a Jewish seminary in West Jerusalem. In addition, 15 Israeli children were injured, mainly as a result of rockets fired from the Gaza Strip towards Israel and stone throwing.

86. While there have been reported incidents of children being trained and/or used by Palestinian militant groups in Gaza, community members are reluctant to provide information on cases of children used by armed forces or armed groups for fear of reprisals. Significant progress has been made towards the implementation of an informal monitoring system on child rights violations.

87. There are concerns that Hamas reportedly used children as shields and may have used schools and hospitals or areas in their proximity to launch rockets into Israel during the December 2008 and January 2009 hostilities. These concerns must be further investigated.

88. On 15 January, in Tal al-Hawa, south-west of Gaza City, an 11-year-old boy was made to accompany IDF for a number of hours during a period of intense operations. As the soldiers entered the Palestinian Red Crescent Society building, the boy was made to enter first, in front of the soldiers. While moving through the town the boy was made to walk in front of the group, even when the IDF soldiers met with resistance and were fired upon. On arrival at Al-Quds Hospital, the boy remained in front of the soldiers, but then was subsequently released. This appears to be in direct contravention of a 2005 Israeli High Court ruling on the illegality of the use of human shields.

89. Continued raids and use of schools by IDF and Israeli settlers have resulted in damage to property, but, more significantly, they have resulted in the injury and death of students and teachers. A total of 27 incidents of raids by IDF soldiers and Israeli settlers attacking both governmental and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools and students

have been reported. During the hostilities in December 2008 and January 2009, 7 schools were destroyed and 157 government schools were damaged in Gaza. A total of 36 UNRWA schools were lightly damaged. Further, 14 hospitals and 38 clinics were damaged or destroyed. A total of eight UNRWA health facilities were lightly damaged.

90. A total of nine schools and kindergartens in Sderot, Be'er Sheva, Ashdod, Ashkelon and Kiryat HaHinoch were hit and damaged by Qassam and Grad rockets launched by Hamas during the December 2008 and January 2009 hostilities.

91. Humanitarian access to Gaza was severely strained through much of the reporting period, but deteriorated further with the onset of the December 2008 and January 2009 hostilities. While Israel kept one crossing open at partial capacity during that period of hostilities, key crossings remained closed and movement within the Gaza Strip was severely restricted. In both the West Bank and Gaza, the lives of children continue to be put at risk because of difficulties in accessing specialized medical services in East Jerusalem as a result of border restrictions and applications for permits to cross checkpoints. While children often receive permits, their parents frequently do not and as a result they are unable to access medical treatment. A total of 13 children are known to have died in Gaza in the reporting period after Israeli authorities denied access to specialized medical services in Israel.

92. The arrest of children by Israeli military authorities and their detention continue to be significant concerns. Children are arrested and sentenced on a range of charges, including throwing stones at the barrier or at Israeli security forces, demonstrations against the occupation, and violence against security forces. At any given point during the reporting period, between 281 and 337 Palestinian children were being held in Israeli prisons and detention centres, including children as young as 12 years, in violation of international humanitarian law. Approximately eight girls were detained and serving terms of imprisonment. Reports indicate that due process was systematically violated throughout the stages that led children into detention, including arrest, interrogation, trial and sentencing. Statements taken from 21 children who had been arrested and detained indicate that children continued to be subjected to abuse, including beatings, blindfolding, solitary confinement, forced confessions in a language they do not read or write, food being withheld, yelling and insults, and exposure to loud noises. Upon release, a number of children reported that they had been approached to provide information on behalf of the Israeli intelligence service.

93. Further, between 8 and 15 children were being held in administrative detention at any given point during the reporting period. Children can be detained in administrative detention for up to six months without charge or trial on the basis of information of which neither the detainees nor their legal representatives are advised. The administrative detention of two girls aged 16 years, with no charges made against them, was reported. That was the first reported incident of girls in administrative detention recorded by the United Nations. The girls have since been released.

94. Approximately 1,369 Palestinians were forcibly displaced or affected as a result of home demolitions of 192 Palestinian-occupied residential structures in Gaza and the West Bank, including East Jerusalem, by Israeli forces. A confirmed 440 children and an additional estimated 194 children were impacted. The

December 2008 and January 2009 hostilities resulted in a dramatic increase in home demolitions, with at least 112 demolished homes, affecting hundreds of children.

Developments in Somalia[8]

95. A situation analysis on children and armed conflict administered by UNICEF and partners, with the participation of community leaders in central and southern Somalia, indicated that approximately 1,300 children have been recruited into the Transitional Federal Government forces, the remnants of the former Islamic Courts Union (ICU), Al-Shabaab and clan-based armed groups throughout central and southern Somalia, particularly in and around Mogadishu. The community leaders informed that boys in Al-Shabaab were used as frontline combatants, and girls were recruited into cooking and cleaning roles. Most of the recruitment takes place from schools. In the clashes in Guriel and Dhusamareb in December 2008, eyewitness accounts indicated that between 30 and 45 per cent of Al-Shabaab combatants were children. Seven of these children were killed and three were injured in these clashes.

96. Violence escalated between armed forces and groups, mostly between the Transitional Federal Government security forces, the Ethiopian National Defence Force (ENDF) and African Union Mission to Somalia (AMISOM) forces against opposition groups, including the remnants of the former ICU, Al-Shabaab and other clan-based armed groups, and children are often killed or injured in the crossfire. Children have been killed and maimed as a result of indiscriminate attacks that have included the use of artillery, mortar, rocket fire, gunfire and improvised explosive devices in areas with high civilian concentration, including busy market places and residential areas. Reports indicate that anti-government armed groups, including Al-Shabaab and clan-based armed groups, used strategies that reduced their visibility in civilian areas, placing civilians at risk, and used children to detonate improvised explosive devices against the Transitional Federal Government and ENDF soldiers. In October 2008 alone, 19 children were killed and 10 injured in Mogadishu. In one case, two children demonstrating against Ethiopian presence in Somalia were shot and killed by ENDF soldiers following the detonation of an improvised explosive device during the demonstration. According to community leaders, approximately 100 children have been killed or injured by landmines and unexploded ordnances in central and southern Somalia in the reporting period.

97. Rape and other sexual violence were committed by both members of armed forces and groups, as well as civilians, in the context of breakdown in law and order. Children and women living in internally displaced persons settlements in Bossaso, Galkayo, Hargeisa and along the Afgoye corridor reported a large number of rapes. Between July and September 2008, 303 cases (292 girls and 11 boys) were reported in the north-west zone of Somalia. Perpetrators are rarely brought to justice and in some cases victims are forced to marry the perpetrators or be killed under traditional law. In October 2008, a 13-year-old girl was stoned to death for adultery by local authorities after being raped by three men in Kismayo. Cases of rape by ENDF soldiers have also been reported.

98. Since mid-2007, 144 schools in five districts of Mogadishu were closed at various times, as they were attacked or risked being attacked because the

[8] For more information on and examples of incidents of grave violations against children in Somalia, see S/2008/352.

surrounding areas became scenes of conflict between ENDF, the Transitional Federal Government, AMISOM and anti-government armed groups, including Al-Shabaab and clan-based armed groups. These included targeted attacks by the Transitional Federal Government on students and teachers of Koranic schools in Mogadishu, owing to the perception that children in these schools are being mobilized to join the insurgency and are therefore considered legitimate military targets. A total of 34 schools were temporarily occupied by armed groups or used as military bases by armed forces at various times throughout the reporting period. On 22 October 2008, the President of the Somalia National Union of Teachers reported that the 34 schools and universities that remained open in Mogadishu had to be closed because of the general insecurity, the presence of Government forces in close proximity and an increasing number of deaths of students and teachers.

99. An escalation in the number of humanitarian aid workers who have been targeted has resulted in reduced access to the 3.2 million Somalis, including approximately 1.6 million children, requiring emergency assistance. During the reporting period, 34 humanitarian workers were killed, 26 were abducted and many others were harassed, received death threats or were detained for questioning.

Developments in the Sudan[9]

100. In southern Sudan, the United Nations confirmed the recruitment and use of 101 children by the Sudan People's Liberation Army (SPLA). More children are present in SPLA, although the exact numbers cannot be determined prior to the completion of the registration exercise currently under way. The United Nations Mission in the Sudan (UNMIS) child protection officers have been able to regularly access SPLA military barracks to register children. As of 31 December 2008, 68 children were registered for demobilization, although their release and reunification have met with serious delays. Government authorities have also reported on the spontaneous demobilization of some children associated with SPLA. These children are unaccounted for to date. In some states, SPLA has been reported to be including previously registered children in troop movements prior to the children being officially released. Children were also witnessed among the Sudanese Armed Forces (SAF) in the Abyei area.

101. The United Nations reported the recruitment and use of 487 children by various armed forces and groups operating in all three Darfur states, with a majority taking place in the state of Western Darfur. The fragmentation and proliferation of opposition armed groups have created fertile ground for recruitment, with over 14 Sudanese and foreign armed forces and groups identified in Darfur for recruiting and using children. These include the groups identified in my 2007 report, which are Justice and Equality Movement (JEM (Peace Wing)), Sudan Liberation Army (SLA)/Free Will, SLA/Abu Gasim/Mother Wing, SLA/Minni Minnawi, SLA/Abdul Wahid; Government forces including SAF, Central Reserve Police and militias supported by the Government; as well as Chadian opposition groups. New groups identified include Justice and Equality Movement, Movement of Popular Forces for Rights and Democracy, SLA/Peace Wing, SLA/Unity and various tribal groups in the north. There is no evidence of recruitment by the Popular Defence Forces and SLA/Shafi.

[9] For more information on and examples of incidents of grave violations against children in the Sudan, see S/2009/84.

102. The increasing activities of the Lord's Resistance Army, including the recruitment of children, in Western Equatoria state were also reported.

103. On 10 May 2008, approximately 110 children, between the ages of 11 and 17, were among the JEM forces who attacked Omdurman, Khartoum, who were captured by SAF. A presidential decree pardoned 99 children, all of whom have been reunified with their families in the three Darfur states, Khartoum, South Kordofan, El Gedarif and While Nile states, as well as some in Chad. Four children were released at a later date, while the whereabouts of 5 others remain unknown. One 16-year-old received the death penalty.

104. Sexual violence continues to be a major concern in Darfur, where the United Nations verified cases of 53 children, the youngest being 6 years old, who were raped by armed elements. One third of the cases occurred within the vicinity of internally displaced persons camps. Perpetrators were identified by witnesses or victims as Government forces, including the Border Intelligence Force, the Central Reserve Police, SAF, police forces and militias supported by the Government.

105. United Nations monitors reported the killings of 42 children and injuries to 20 children across Darfur, mainly during attacks on villages, market places and internally displaced persons camps, or during clashes between different armed groups. The perpetrators include SAF, the Central Reserve Police and police forces, as well as armed groups such as JEM, SLA/Unity, SLA/Minnawi, militias supported by the Government, Chadian opposition groups and tribal groups. Children were also killed or injured in continuous aerial bombardments by SAF, primarily in Northern Darfur state. Between March and May 2008, 12 children were killed and 7 injured during six such aerial bombings.

106. All attacks on schools or hospitals in Darfur occurred during ground attacks or clashes between different armed groups. In September 2007, five schools and a clinic were burned in connection with an attack on Haskanita. An investigation by the United Nations has noted that the whole town had been burned in what seemed to be a systematic and intentional operation committed by splinter groups from both SLA/Unity and JEM. However, most lootings of schools and hospitals occurred in Western Darfur, including by SAF and militias supported by the Government.

107. The reporting period was marked by a substantial increase in attacks against humanitarian workers and premises in Darfur. As of October 2008, a total of 19 humanitarian workers were killed and 38 injured in Darfur; 227 humanitarian workers were abducted; and 293 vehicles were stolen, which seriously affected food deliveries to Darfur. Despite the extension of the moratorium on restrictions, the humanitarian community continues to face Government restrictions, such as delays and denials of work permits for international NGO staff, as well as access impediments for humanitarian missions in the field. For instance, in early 2008, the Government denied access for 40 days to humanitarian agencies assisting some 160,000 conflict-affected people, including an estimated 80,000 children in the northern part of Western Darfur.

B. Information on compliance and progress in situations not on the agenda of the Security Council or in other situations of concern

Developments in Colombia

108. The Government of Colombia adopted a comprehensive policy to prevent the recruitment and use of children by illegal armed groups, including the creation of a high-level intersectorial commission in December 2007, aimed at reducing the risks of recruitment of and violence against children. The Government also continues to carry out programmatic efforts to reintegrate children separated from illegal armed groups into their communities.

109. Information has been received on the recruitment and use of children by the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) in the departments of Antioquia, Arauca, Caqueta, Cauca, Choco, Guaviare, Nariño, Putumayo, Santander, Sucre, Valle del Cauca and Vaupés, as well as by the Ejército de Liberación Nacional (ELN) in the departments of Arauca, Cauca, Nariño and Norte de Santander. Both FARC-EP and ELN are reported to be recruiting from schools. In addition, in September, FARC-EP abducted three girls, aged 12, 14 and 16, in Arauca department; and in May 2008, FARC-EP recruited five indigenous children, between the ages of 12 and 16 years, from the Waunaan community, in Choco department. Children are used by these groups to take part directly in hostilities, to provide logistical support and for intelligence services. In Ituango, Antioquia department, a child was used by FARC-EP to transport weapons and explosives. In several cases, children have been tortured or killed by these groups for resisting recruitment or when they intended to escape.

110. Recruitment frequently leads to the displacement of affected populations in order to avoid the recruitment of their children. The Constitutional Court, in its order No. 251 of October 2008, confirmed that child recruitment is one of the main causes of displacement in the country. In March 2008, 18 children from a rural community in Putumayo department were forced to leave their homes to avoid recruitment by FARC-EP.

111. Recruitment is also a common practice of armed groups that emerged after demobilization. In March 2008, the recruitment of children by Autodefensas Campesinas Nueva Generación (AC-NG) was confirmed in the Nariño department. The United Nations has collected several testimonies from children and adolescents separated from the former Autodefensas Unidas de Colombia, in which they report having been contacted to join these armed groups.

112. According to information from the Colombian Institute for Family Welfare (ICBF), a total of 402 children separated from FARC-EP, 86 from ELN and 1 from the Ejército Popular Revolucionario (EPR) during the reporting period. ICBF also reported that a total of 44 children separated from armed groups such as AC-NG and Ejército Revolucionario Popular Antiterrorista de Colombia (ERPAC), and other armed elements such as the Aguilas Negras, Rastrojos and the Cooperativa de Seguridad de Meta y Vichada. The Government considers these groups as criminal gangs largely involved in criminal activities related especially to drug trafficking. Children are still assumed to be present in these groups. In August 2008, following the demobilization of the Ejército Revolucionario Guevarista (ERG) in Choco, 7 children, including 3 girls, were released.

113. According to the Colombian High Commissioner for Peace, 391 children were released by AUC within the demobilization framework under the Justice and Peace Law from 2002 to 2006. Approximately 432 children separated individually, outside the negotiations with AUC, although credible information indicates many more children associated with AUC did not undergo the formal demobilization process. The Attorney General's office met with the former commanders of the Elmer Cardenas Block, the Central Bolivar Block and the Autodefensas del Magdalena Medio to exclusively address the issue of recruitment of children in order to establish accountability for former recruitment cases within the framework of the Justice and Peace Law. More than 1,000 cases of illicit recruitment by such groups have been denounced under the Justice and Peace Law as of December 2008. Further, the Attorney General is currently investigating 141 cases of child recruitment under the Penal Code, and there were three convictions for this crime during 2008.

114. The United Nations received credible information regarding the use of children by some members of the security forces for intelligence purposes despite Government policy to the contrary. Three directives have been issued by the Ministry of Defence prohibiting this practice, in accordance with the national law on childhood and adolescence. It was reported in February 2008 that a 12-year-old boy was used by the police as an informant in Valle del Cauca department. As a consequence, the boy received death threats by FARC-EP and was later killed in December 2008. Also in February, it was reported that members of the army and national police solicited information from children in rural communities in Carmen de Atrato and Quibdo, in Choco department, on the locations of guerrilla groups and the identities of their members.

115. Children are victims of indiscriminate attacks by illegal armed groups or are often caught in crossfire in clashes between illegal armed groups and national armed forces. A total of 15 children have also been killed and 29 injured by anti-personnel mines and unexploded ordnance laid by FARC-EP and ELN between September 2007 and October 2008.

116. Credible information on cases of extrajudicial executions of children was gathered by the United Nations. In January 2008, a 17-year-old boy disappeared from Soacha municipality near Bogotá, and was presented as "killed in combat" a day later by the Armed Forces in Norte de Santander, a department on the border with the Bolivarian Republic of Venezuela. A similar case involved a child from Gamarra municipality, Cesar department, in August 2008. The Ministry of Defence has issued three specific directives and established a transitory commission in October, to investigate cases of extrajudicial executions, which has resulted in the dismissal of 37 military officers as of January 2009.

117. According to Constitutional Court order No. 092 of April 2008, the impact of sexual violence against girls has increased. Perpetrators include illegal armed groups and members of the Armed Forces. The Attorney General's office has initiated investigations, and there have been a number of convictions as of December 2008.

118. During the reporting period illegal armed groups continued to attack or occupy schools for military purposes and target teachers. Schools are also often damaged as a result of military clashes between illegal armed groups and the Armed Forces. In May 2008, two schools in Dagua municipality, Valle del Cauca department, were

seriously damaged as a consequence of separate armed clashes between FARC-EP and the national police and national army, respectively. In June 2008, four teachers in Nariño department were abducted and killed by FARC-EP, as they were allegedly believed to be army informants. The United Nations has verified information on the occupation of schools by the Armed Forces. In June 2008, a school in Montana municipality, Caqueta department, was occupied by members of the army. The school was subsequently attacked and seriously damaged as a result of an armed confrontation with FARC-EP on 13 June. The authorities have ordered an investigation into this case.

Developments in the Philippines[10]

119. The Moro Islamic Liberation Front (MILF) acknowledged the presence of children in their ranks in a meeting with my Special Representative in December 2008, and agreed to enter into negotiations with the United Nations for an action plan.

120. The New People's Army (NPA) remains adamant that it does not recruit or use children, and reiterated its policy of non-recruitment in communications to the United Nations. However, in March 2008, three children were reported to have admitted their association with NPA upon their surrender to Government authorities in Catanduanes province.

121. The Abu Sayyaf Group (ASG) has long been known to have children in its ranks. This was confirmed by a local news correspondent who was held captive by the group in Sulu province in June 2008. After her release, she revealed that boys in their teens were among her armed captors.

122. There were reports of the attempted recruitment of indigenous children in Quezon province for the paramilitary Citizen Armed Force Geographical Unit (CAFGU).

123. A total of 48 children, including 27 girls, were killed or injured in the reporting period, 81 per cent as a result of armed clashes between the Armed Forces of the Philippines (AFP) and MILF that erupted pursuant to the aborted signing of the memorandum of agreement on ancestral domain in August 2008. The United Nations confirmed that AFP and CAFGU were also responsible for the deaths of 11 children and injury to 20 children, all of whom were casualties of either military aerial or artillery bombardment against renegade MILF forces in Maguindanao province or military operations against ASG and NPA.

124. More than 100 residents of Kolambugan town, including 28 children, were temporarily held hostage and used as human shields by elements of the 102nd Base Command of MILF during attacks on civilian communities in Lanao del Norte province on 18 August 2008. MILF also razed five classrooms during the incident.

125. There were four cases of military occupation and use of schools as temporary camps. Soldiers from the 50th and 503rd Infantry Battalions of the Philippine Army set up camps in a primary school in Tubo town in Abra and conducted aerial operations from the location in March 2008. Other cases were documented in

[10] For more information on and examples of incidents of grave violations against children in the Philippines, see S/2008/272.

Lianga municipality, Surigao del Sur province and in Barangay Ngan, Compostela Valley province, Southern Mindanao.

126. United Nations partners reported one case of sexual assault perpetrated against a 14-year-old girl by a member of the 30th Infantry Battalion of the Philippine Army stationed in Butuan City. The victim filed a complaint against the suspect, and the trial is currently in progress, although cooperation from the 30th Infantry Battalion has been difficult. During her mission in December 2008, my Special Representative raised the case with the Undersecretary for Defence Affairs of the Department of National Defence, Antonio C. Santos.

127. Former child soldiers are being rehabilitated and reintegrated into society through the implementation of Government social integration programmes, which include financial and legal support, and access to education, health services and psychosocial services for these children. However, mechanisms for release and reintegration of children need to be further brought in line with good practices.

Developments in southern border provinces of Thailand

128. There has been significant improvement in the security situation in the southern border provinces of Thailand owing to the continuing efforts of the Royal Thai Government to protect the safety and enhance the development of children in cooperation with the local communities. However, the impact of violence on children is still a concern. There have been several reports of child casualties as a result of bombings by militants in public spaces and of being caught in the crossfire between militants and security forces.

129. The number of attacks on schools has decreased significantly. According to the Ministry of Education, during the reporting period from September 2007 to December 2008, 34 State-run education facilities were damaged or destroyed (compared to 164 for the whole of 2007), 7 schoolchildren were killed and 30 were injured.

130. The current Government has announced that it will take serious measures to ensure that security operations conducted in the southern border provinces are in accordance with international standards and respect for human rights, and that any alleged abuse by state authorities, such as the irregular detention of children, is fully investigated. The Government is also undertaking a systematic review of its laws, including the Emergency Decree.

Developments in Sri Lanka

131. UNICEF received 39 reports of child recruitment and 7 reports of re-recruitment by the Liberation Tigers of Tamil Eelam (LTTE) from 1 September 2007 to 31 October 2008. However, the number of children who were recruited by LTTE is estimated to be much higher. The majority of the recruitment by LTTE (64 per cent boys and 36 per cent girls) occurred in the Vanni. The capacity in the Vanni to monitor and receive reports of recruitment of children was reduced steadily in the reporting period owing to limited access allowed to the United Nations, increased insecurity and the requirement that international and national humanitarian agencies leave the Vanni on 16 September 2008 and relocate to Vavuniya as a result of the intensification of the conflict. Threats by LTTE against families wishing to report have also been a significant factor. Although data

collection has been severely hampered prior to their relocation, UNICEF was able to verify a total of 19 children released by LTTE and 9 children who had escaped and returned to their families. According to UNICEF reports registered before the onset of the fighting, as of the end of January 2009, there were 81 children who had not been released and 1,342 individuals who had been recruited as children but are now over the age of 18. In February 2009, the United Nations reported that there are clear indications that LTTE has intensified forcible recruitment of civilians and that children as young as 14 years old are being targeted.

132. The Tamil Makkal Viduthalai Pulikal (TMVP), a former breakaway faction of LTTE, became a registered political party on 24 January 2008. It signed an action plan with the Government of Sri Lanka and UNICEF on 1 December 2008, agreeing to commence the release of children for rehabilitation and reintegration. Efforts are under way and the United Nations awaits the full and timely implementation of the action plan. This was seen as an important undertaking by TMVP. From November 2008 to January 2009, 7 cases of child recruitment were reported, and 22 children were released, while during the period from 1 September 2007 to 31 October 2008 UNICEF received 113 reports of child recruitment and 40 reports of re-recruitment by TMVP. During the same period, a total of 108 children were released and 81 children escaped and returned to their families. As of the end of January 2009, 41 children remain recruited and there are 804 individuals who were recruited as children but are now over the age of 18.

133. The Government has made significant initiatives to support its obligations towards children leaving armed groups. The Office of the Commissioner General for Rehabilitation undertook five specific initiatives in the reporting period: the establishment of the Ambepusse Centre for the rehabilitation of children leaving armed groups; the development and signing of a memorandum of understanding with UNICEF clarifying roles and responsibilities in relation to the prevention, release, care, protection and reintegration of children associated with armed groups; the drafting of an Emergency Regulation for the provision of rehabilitation services for children leaving armed groups; the development of a public awareness campaign against child recruitment; and the facilitation of the action plan with TMVP and UNICEF.

134. The Human Rights Commission of Sri Lanka recorded 102 incidents of child abduction in the reporting period, with 54 children abducted in Batticaloa alone. Of the 41 children remaining in the ranks of TMVP, 16 were abducted.

135. Reports indicate that, as at the end of December 2008, 26 children had been killed and 10 injured. The causes included aerial bombardment by the Sri Lankan Air Force and children being caught in crossfire and shelling between the Sri Lankan Army and LTTE. Children were also victims of claymore mine attacks; for example, on 29 January 2008, a claymore mine detonated on a bus carrying mostly schoolchildren in Thatchanamadhu, Mannar district, an area that was tactically controlled by LTTE. Thirteen children were killed and 8 were injured in the incident.

136. The physical security of children trapped in increasingly small areas where intense fighting is taking place and in other conflict affected areas has become a critical protection concern. LTTE was carrying out operations, including artillery fire from civilian areas, placing them at risk. The Government also continued aerial bombardment and long-range artillery fire. The full scale of child rights violations is

not known due to access impediments. However, on the very few occasions that access was possible in the Vanni, the United Nations verified that at least 4 children were killed and 17 injured in December 2008 and 55 children were killed and 212 injured in January 2009. On 29 January 2009, ICRC successfully escorted 226 sick and wounded patients requiring urgent medical treatment to Vavuniya hospital in the Government-controlled area. The wounded included 50 children between the ages of 4 months and 17 years.

137. Between 15 December 2008 and 15 January 2009, 11 shellings of or near medical facilities in the Vanni were reported. On 2 February, ICRC issued a statement condemning the shelling of Puthukkudiyirppu Hospital for the second time. It has since been shelled on three further occasions.

138. As a result of the intensification of military operations in LTTE-controlled areas of the Vanni at the end of 2008, and restrictive procedures imposed by the Government for the transportation of essential goods to the Vanni allegedly owing to security concerns, including medical supplies, therapeutic food to treat malnourished children and shelter materials, children displaced by the conflict have been adversely affected. Some WFP and Government food convoys were delivered in January and February 2009. The United Nations has been engaged in ongoing advocacy with the Government and LTTE for increased access to the Vanni, but that became more difficult as the conflict intensified. Additional impediments to humanitarian access included LTTE preventing civilians, including children and United Nations national staff and their dependants, from leaving the Vanni to Government-held territory. Further, internally displaced persons sites in Government-controlled areas of Mannar and Vavuniya are subjected to tight Government security regulations, which severely restrict the movement of internally displaced persons and access to humanitarian agencies.

Developments in Uganda

139. There were no cases of recruitment and use of children by Uganda People's Defence Forces (UPDF) or the local defence units in the reporting period. The Government of Uganda asserted that local defence units had been disbanded and its members integrated either into UPDF or the Uganda Police Force. In February 2009, the country task force on monitoring and reporting carried out on-site visits to UPDF facilities in northern Uganda to observe UPDF general recruitment exercises and to verify the implementation of UPDF recruitment policies, as part of the terms of the action plan signed by the Government on 16 January 2009. In addition, the visits sought to verify the disbanding of local defence units and to confirm the discharge of any persons under the age of 18 in the process of integrating local defence units into UPDF.

140. Following the visits, the country task force ascertained that the age criteria for recruitment into UPDF within existing laws and regulations were strictly observed; confirmed that current policies and directives relating to the prevention of recruitment and use of underaged persons were in place, including for age verification, awareness-raising, prevention and disciplinary measures; noted that UPDF recruitment criteria and procedures were strictly adhered to by its officers; and that there has been no evidence of the recruitment of children by UPDF since August 2007. The country task force also confirmed that local defence units were in the process of being phased out, and members who did not meet the recruitment

criteria, including age limits, are demobilized and reintegrated into their communities.

141. On the basis of these findings, and as it has been determined that UPDF and its auxiliaries have shown full commitment towards the implementation of the action plan and continue to allow regular access to the United Nations to any UPDF facilities upon request to monitor compliance, they shall be removed from the lists contained in the annex to my report this year. However, the country task force will continue to monitor UPDF compliance with the action plan, to ensure that continuous efforts are made to prevent the recruitment and use of children.

142. The Government has established a clear national policy framework for the demobilization and reintegration of non-government forces operating in and outside Uganda, based on the Amnesty Amendment Act (2006). Its peace, recovery and development programme for northern Uganda encompasses a demobilization and reintegration of ex-combatants programme that seeks to coordinate and facilitate socio-economic reintegration of non-governmental forces that voluntarily surrender to the Government, including those associated with LRA.

143. Owing to considerable improvement in the security and humanitarian situation in northern Uganda, the number of grave violations attributable to UPDF and its auxiliaries has dropped significantly. A total of 16 cases of sexual violence were registered from September 2007 to October 2008. Eight cases were reported to law enforcement officers for investigation, and in five of those cases, the perpetrators were arrested. In addition, the presence of UPDF soldiers on the ground has decreased, and formal institutions and structures such as the police, particularly children and family protection units, as well as welfare officers and members of local councils, are assuming a greater role in ensuring social and legal protection for children.

144. No cases have been attributed to LRA, as the group has not been operating in Ugandan territory, although women and children are reported to still be present within its ranks. Between November 2007 and April 2008, 20 boys who had fled LRA captivity were received at various reception centres across northern Uganda and confirmed the presence of many more children in LRA. The Government estimates that at the time LRA left Uganda, it consisted of approximately 1,000 individuals, of whom 500 were women and children. The presence of LRA has been reported in eastern Democratic Republic of the Congo, southern Sudan and the Central African Republic, and, in response to grave violations committed against children by LRA, a strategy for a subregional coordination mechanism to monitor and report on cross-border recruitment and use of children will be developed.

III. Information on progress achieved in implementing Security Council resolutions on children and armed conflict, including progress made in the implementation of the monitoring and reporting mechanism and in the development and implementation of action plans

Progress made in the implementation of the monitoring and reporting mechanism

145. As called for in paragraph 3 of Security Council resolution 1612 (2005), monitoring and reporting mechanisms on grave child rights violations have been established in all eight situations of armed conflict, listed in annex I to the 2007 report of the Secretary-General (A/62/609-S/2007/757), that are on the agenda of the Security Council; and in all five situations of armed conflict or other situations of concern, listed in annex II to the same report. Parties in Afghanistan and the Central African Republic were listed in the report of the Secretary-General for the first time last year for recruitment and use of children, thereby triggering the requirement to establish a monitoring and reporting mechanism within the framework of Security Council resolution 1612 (2005). In July 2008, the monitoring and reporting mechanism was set up in Afghanistan, while the mechanism is in the process of being formally established in the Central African Republic. The Government of Colombia formally accepted the implementation of the monitoring and reporting mechanism on 29 December 2008.

Progress made in the development and implementation of action plans with parties to conflict

146. Pursuant to Security Council resolutions 1539 (2004) and 1612 (2005), parties are called upon to develop and implement concrete time-bound action plans, in close collaboration with the United Nations. During the reporting period, formal action plans to halt the recruitment and use of children were signed with the Tamil Makkal Viduthalai Pulikal (TMVP) of Sri Lanka on 1 December 2008 and the Government of Uganda on 16 January 2009. Important commitments to begin negotiations on an action plan were received from the Justice and Equality Movement in the Sudan and the Moro Islamic Liberation Forces in the Philippines. In addition, commitments were received by the Government of Nepal to release children from Maoist cantonments as a matter of priority and by FNL in Burundi to immediately and unconditionally separate and release all children.

147. Engaging in dialogue on child protection with all parties to conflict is crucial in order to bring parties into compliance with international standards for the protection of children. With regard to non-State actors, it is important that States allow such dialogue between non-State actors and the United Nations without prejudice to their political and legal status, for the purposes of developing action plans to halt recruitment and use of children and to address all other grave violations committed against children. However, in certain situations of concern, such as in Myanmar and Colombia, the Government has been reticent to allow for further dialogue with certain armed groups, and this has impeded progress on securing the release and rehabilitation of children associated with these groups.

148. Over the last years, commitments by parties leading to action plans have been obtained by several parties to conflict, both State and non-State actors. The status of

these action plans and other commitments made for the release of children as of the end of January 2009 is reflected in the table below.

Status of action plans

Parties to conflict listed in annex I to the reports of the Secretary-General (A/61/529-S/2006/826 and Corr.1 and A/62/209-S/2007/757)

Parties in Afghanistan

Taliban forces	**No action plan.** In September 2008, the country task force on monitoring and reporting initiated consultations with the Government of Afghanistan to devise a strategy to disseminate information to parties to the conflict on the monitoring and reporting mechanism, and on engaging with parties for the preparation of action plans to end child recruitment.

Parties in Burundi

Parti pour la Libération du peuple Hutu-Forces nationales de libération (Palipehutu-FNL) (Agathon Rwasa)	**No formal action plan.** The release of children associated with Palipehutu-FNL is being negotiated within the Joint Verification and Monitoring Mechanism of the Comprehensive Ceasefire Agreement signed on 7 September 2006 between the Government of Burundi and Palipehutu-FNL. Pursuant to the Bujumbura Declaration of 17 January 2009, FNL committed to immediately and unconditionally separate children associated with its combatants no later than 30 January. However, FNL has refused to begin the disarmament, demobilization and reintegration of its combatants, including the separation of children associated with its forces on 5 February, until there is an agreement on the integration of its combatants into the national security forces.

Parties in the Central African Republic

Armée populaire pour la restauration de la République et de la démocratie (APRD)	**Dialogue has been initiated by the United Nations to translate commitments into an action plan.** During the visit of my Special Representative to the Central African Republic in May 2008, the leader of APRD, Laurent Djim Wei, committed to prepare a list and release all children in his armed group as soon as proper arrangements are made for their protection and reintegration into communities.

	On 20 October 2008, APRD handed over to UNICEF and partners a list of 105 children to be released.
Union des forces démocratiques pour la rassemblement (UFDR)	**Dialogue has been initiated by the United Nations to translate commitments into an action plan.** In June 2007 a tripartite agreement was signed between the Government of the Central African Republic, UFDR and UNICEF, in which the UFDR agreed to separate and release all children associated with its armed group; and facilitate their reintegration.
Forces démocratiques populaires de Centrafrique (FDPC)	**No action plan.**
Parties in Côte d'Ivoire	
Armed militia groups affiliated with the Presidential camp: (a) Front pour la libération du Grand Ouest (FLGO); (b) Mouvement ivoirien de libération de L'Ouest de la Côte d'Ivoire (MILOCI); (c) Alliance patriotique de l'ethnie Wé (APWé); (d) Union patriotique de résistance du Grand Ouest (UPRGO).	**Action plan signed on 14 September 2006.** Parties have been de-listed from annexes of the report of the Secretary-General (S/2007/757). All the parties have ceased recruitment and taken concerted measures to identify and release children associated with their forces for rehabilitation, and have allowed the United Nations to regularly monitor the association of children with fighting forces as part of the implementation of action plans.
Forces de défense et de sécurité des Forces nouvelles (FDS-FN)	**Action plan signed on 10 October 2005.** Party has been de-listed from annexes of the 2007 report of the Secretary-General. Party has ceased recruitment and taken concerted measures to identify and release children associated with their forces for rehabilitation, and have allowed the United Nations to regularly monitor the association of children with fighting forces as part of the implementation of its action plan.
Parties in the Democratic Republic of the Congo	
Forces armées de la République démocratique du Congo (FARDC)	**No formal action plan.** The disarmament, demobilization and reintegration of children has been carried out within the Operational Framework for Children Associated with Armed Forces and Groups, adopted by the Unité d'exécution du programme national de désarmement, démobilisation et réinsertion, in March 2004.

	Through that national disarmament, demobilization and reintegration process, from mid-2003 to December 2006, approximately 30,000 children were released from armed forces and groups, including those released prior to the adoption of the operational framework. The final phase of the formal national disarmament, demobilization and reintegration did not take place in 2008; however, 1,098 children were documented to have separated from or escaped from armed groups in the reporting period.
Forces démocratiques de libération du Rwanda (FDLR)	**No formal action plan.**
Front nationaliste et integrationaliste (FNI) Forces de résistance patriotique en Ituri (FRPI) Mouvement révolutionnaire congolais (MRC)	**No formal action plan.** The disarmament, demobilization and reintegration of children was carried out within the operational framework for children associated with armed forces and groups, except for small splinter groups from FNI and FRPI who failed to disarm.
Mai-Mai groups in Maniema and Katanga that have not integrated into FARDC	**No formal action plan.** Remaining combatants are awaiting inclusion into the next phase of disarmament, demobilization and reintegration.
Mai-Mai groups in North and South Kivu	**No formal action plan.** In January 2008, the Mai-Mai groups adopted the "actes d'engagement" for North and South Kivu, in the context of the Conference on Peace, Security and Development in the Kivus, and committed to release children in their ranks.
Congres National pour la Défense du Peuple (CNDP)	**No formal action plan.** In January 2008, CNDP adopted the statements of commitment (actes d'engagement) for North and South Kivu, in the context of the Conference on Peace, Security and Development in the Kivus.
Parties in Myanmar	
Democratic Karen Buddhist Army (DKBA)	**No action plan.**
Karen National Union/Karen National Liberation Army Peace Council	**No action plan.**
Kachin Independence Army (KIA)	**No action plan.**
Karen National Liberation Army (KNLA) Karenni Army (KA)	**No action plan.** However, the Karen National Union (KNU)/KNLA signed a deed of commitment on 6 April 2007; and the Karenni National Progressive Party (KNPP)/KA signed a deed of commitment on 13 April 2007.

	In line with this commitment, the United Nations country team in Myanmar will undertake discussions with the parties in order to finalize action plans to cease the recruitment and use of children from their armed wings in the border areas. The country teams in Myanmar and Thailand, however, have been unable to establish contact and undertake formal dialogue with these groups to date due to resistance from the Government of Myanmar.
Karenni National People's Liberation Front (KNPLF)	**No action plan.** The country team has been unable to establish contact with these non-State entities to date.
Myanmar National Democratic Alliance Army	
Shan State Army-South (SSA-S)	
Tatmadaw Kyi	**No action plan. The Government action plan does not meet minimum standards.** In 2004, the Government of Myanmar high-level committee for the prevention of military recruitment of underage children outlined a plan of action to address the recruitment, release and reintegration of children; public awareness; cooperation with international organizations; and action against transgressors of recruitment policies. During the visit of the Special Representative in June 2007, the Government of Myanmar agreed to update the Tatmadaw Kyi action plan and to bring it into line with international standards, with the country task force on monitoring and reporting. The United Nations has formally sought a meeting with the Committee to advance discussions on the action plan development and implementation, but the meeting has not yet taken place.
United Wa State Army (UWSA)	**No action plan.** During the visit of the Special Representative in June 2007, UWSA agreed to engage with the United Nations on the modalities for an action plan.

Parties in Nepal

Unified Communist Party of Nepal-Maoist (UCPN-M)	**No formal action plan.** The release of children associated with UCPN-M who are held in Maoist army cantonments is being addressed within the context of Nepal's Comprehensive Peace Agreement of 2006 and the Agreement on Monitoring the Management of Arms and Armies, which commits UCPN-M and the Government of Nepal to the immediate release and reintegration of children associated with armed forces and groups. A draft national plan of action for the reintegration of children affected by armed conflict, including children associated with armed forces and groups, is pending finalization and Government approval for implementation. During the visit of my Special Representative on 5 December 2008, the Prime Minister of Nepal committed to the release of 2,973 children from the Maoist army cantonments by the end of February 2009.

Parties in Somalia

Transitional Federal Government	**No action plan.** An advocacy campaign against child recruitment targeting armed groups, government officials, and community and religious leaders is ongoing to mobilize broad support for the development of action plans.
Remnants of the former Islamic Courts Union (IUC)	**No action plan.** Dialogue with IUC or any other armed groups in Somalia is seriously impeded by access restrictions and the targeting of humanitarian workers.

Parties in southern Sudan

Parties under the control of the Government of the Sudan

South Sudan Defence Forces, including the forces of Major-General Gabriel Tang Ginyi	The South Sudan Defence Forces have been fully incorporated into the Sudan People's Liberation Army.
Sudanese Armed Forces (SAF)	**No formal action plan.** However, the United Nations continues its advocacy with SAF on issues related to grave violations against children, including the recruitment and use of children, through the Ceasefire Joint Military Committee and its seven subsidiary Area Joint Military Committees.

Parties under the control of the Government of southern Sudan

Pibor Defence Forces	The Pibor Defence Forces have been fully incorporated into the Sudan People's Liberation Army.
Sudan People's Liberation Army (SPLA)	**No formal action plan.** The release and reintegration of children associated with armed forces and groups are carried out by the South Sudan disarmament, demobilization and reintegration Commission within the context of the Comprehensive Peace Agreement, which calls for the immediate and unconditional release of all children from various fighting forces and armed groups. A national reintegration strategy for children associated with armed forces and groups has been developed. During the reporting period, 150 children were demobilized.

Parties in Darfur

Parties under the control of the Government of the Sudan

Chadian opposition groups	**No action plan.**
Government-supported militias called Janjaweed	There is no United Nations engagement with Janjaweed to date.
Police forces, including the Central Reserve Police	**No action plan.**
Popular Defence Force	**No action plan.**

Former rebel parties that have accepted the Darfur Peace Agreement

Justice and Equality Movement (Peace Wing) Sudan Liberation Army (SLA)/Free Will Sudan Liberation Army (SLA)/Abu Gasim/ Mother Wing	**No action plan.** However, during a meeting to launch child disarmament, demobilization and reintegration in Darfur in June 2008, representatives of the six signatories to the Darfur Peace Agreement, including Justice and Equality Movement (Peace Wing), SLA/Free Will, SLA/Minni Minnawi, SLA/Peace Wing, SLA/Abu Gasim/Mother Wing and Movement of Popular Force for Rights and Democracy agreed to start discussions on a plan of action and reaffirmed their commitments for the release, return and reintegration of children associated with their groups, in accordance with the Darfur Peace Agreement.

Sudan Liberation Army (SLA)/Minni Minnawi	**Action plan signed on 11 June 2007 between Sudan Liberation Movement/Army (Minnawi) and UNICEF.** After an initial delay in implementation of the action plan owing to a lack of clarity on the mandate and channels of disarmament, demobilization and reintegration in Darfur, SLM/A (Minnawi) reaffirmed its commitment for the release, return and reintegration of children into its ranks in June 2008; so far, 16 children have been registered for demobilization.

Former rebel parties that rejected the Darfur Peace Agreement

Sudan Liberation Army (SLA)/Abdul Wahid	**No action plan.**
Sudan Liberation Army (SLA)/Shafi	**No action plan.**

Parties to conflict listed in annex II to the report of the Secretary-General (A/62/609-S/2007/757)

Parties in Chad

Chadian National Army	**No action plan.** However, an agreement was signed on 9 May 2007 between the Government of Chad and UNICEF in the context of the disarmament, demobilization and reintegration efforts in Chad to release all children associated with the armed forces and groups and facilitate their sustainable reintegration into communities and families. In addition, during the visit of my Special Representative in May 2008, the Government of Chad committed to allow verification by United Nations teams of detention centres, training camps and military facilities; release as a matter of priority children associated with armed groups held in detention; and establish an inter-ministerial task force to coordinate and ensure effective reintegration of children. A joint commission was formed by the Government and UNICEF in August 2008. The commission has carried out verification visits to the Moussoro and Lumia instruction centres, where one child was identified and released.

	A total of 555 children have been demobilized to date, including 13 per cent from the Chadian National Army and 87 per cent from the Convention révolutionnaire démocratique du Tchad (CRDT), Concorde nationale tchadienne (CNT) and Front uni pour le changement (FUC).
Chadian self-defence groups operating in Ade, Dogdore and Mogororo	Most elements of these groups have been integrated into the Chadian National Army.
Government of the Sudan-backed militias, known as Janjaweed	**No action plan.**
Sudanese armed groups backed by the Government of Chad: (a) Justice and Equality Movement; (b) Sudan Liberation Army — G19 faction.	**No action plan.**
Union des forces pour la démocratie et le développement (UFDD)	**No action plan.**
Parties in Colombia	
Ejército de Liberación Nacional (ELN)	**No action plan.**
Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP)	**No action plan.**
Illegal armed groups not participating in the demobilization process: (a) Autodefensas Campesinas del Casanare; (b) Frente Cacique Pipintá.	**No action plan.**
Parties in the Philippines	
Abu Sayyaf Group (ASG)	The absence of a political organization and the extreme risks involved prevents the possibility of the United Nations engaging with ASG.
Moro Islamic Liberation Front (MILF)	**Dialogue has been initiated by the United Nations to translate commitments into an action plan.** During the visit of my Special Representative in December 2008, the leadership of MILF committed to enter into an action plan with the United Nations to halt the recruitment and use of children and to ensure their separation and return into civilian life.
New People's Army (NPA)	**No action plan.** The Government of the Philippines has expressed reservations on the engagement of the United Nations with NPA.

	However, the United Nations country team is considering possible dialogue on child protection with the Office of the Presidential Adviser to the Peace Process within the context of the ongoing peace processes.
Parties in Sri Lanka	
Karuna faction/TMVP	**Action plan signed on 1 December 2008 between TMVP, the Government of Sri Lanka and UNICEF.** The action plan lays out a three-month process by which TMVP should stop the recruitment of children and release all children in its ranks.
Liberation Tigers of Tamil Eelam (LTTE)	**Action plan does not meet minimum standards.** LTTE developed an action plan on 15 October 2007. However, it does not meet minimum prerequisites, including but not limited to allowing full access to the United Nations country team for verification, formalizing principles and time-bound measures for the safe release of children, and accountability mechanisms and mechanisms for preventing re-recruitment. Also, the action plan was not signed by the parties. Any small progress made was not maintained and, as of April 2008, only 17 children have been verified as released. There has been no consistent dialogue with LTTE to review its commitments since the relocation of the United Nations in September 2008 from the Vanni.
Parties in Uganda	
Lord's Resistance Army (LRA)	**No action plan.** LRA has not been present in Ugandan territory as of November 2005. On 24 August 2007, the United Nations Special Envoy for LRA-affected areas transmitted a message from the Security Council to the leader of the LRA delegation, who assured that the delegation would convey the message to the leader of LRA, Joseph Kony. The message urged LRA to take immediate steps to release children associated with its forces; to immediately engage in transparent procedures with UNICEF for verification of the demobilization of all children; to provide humanitarian personnel unimpeded access to populations in need; and to ensure that specific provisions for children are included by the parties at all steps of the negotiations.

Government armed forces and defence units: (a) Local defence units; (b) Uganda People's Defence Forces (UPDF).	**Action plan signed on 16 January 2009 between the Government of Uganda and the Uganda Task Force on Monitoring and Reporting.** As it has been determined that UPDF and its auxiliaries have shown full commitment towards the implementation of the action plan and continue to allow regular access to the United Nations to any UPDF facilities upon request to monitor compliance, the parties have been de-listed from the current year's report.

Parties to conflict not listed in annexes to the report of the Secretary-General (A/62/609-S/2007/757)

Parties in Central African Republic

Self-defence militias	**No action plan.** On 13 December 2008, UNICEF met with the Minister of Defence to request for access to these militias. Following his agreement, UNICEF and partners met with the militia leader of the Ouham-Pendé prefecture, who has agreed to work collaboratively to release children within its ranks.

Parties in Darfur

Former rebel parties that have accepted the Darfur Peace Agreement

Sudan Liberation Army (SLA)/Peace Wing Movement of Popular Force for Rights and Democracy	**No action plan.** However, during a meeting to launch child disarmament, demobilization and reintegration in Darfur in June 2008, representatives of the six signatories to the Darfur Peace Agreement, including Justice and Equality Movement (Peace Wing), SLA Free Will, SLA/Minni Minnawi, SLA/Peace Wing, SLA/Abu Gasim/Mother Wing and Movement of Popular Force for Rights and Democracy agreed to start discussions on a plan of action and reaffirmed their commitments for the release, return and reintegration of children associated with their groups, in accordance with the Darfur Peace Agreement.

Former rebel parties that rejected the Darfur Peace Agreement

Justice and Equality Movement (JEM)	**Dialogue has been initiated by the United Nations with JEM to translate commitments into an action plan.** In July 2008, JEM stated its commitment during a workshop held by the Centre for Humanitarian Dialogue in Geneva to refrain from recruiting children for military operations.
Sudan Liberation Army (SLA)/Unity	**No action plan.** In July 2008, SLA/Unity, during the workshop in Geneva, also committed to refrain from recruiting children.

149. Concerted leadership by United Nations missions and country teams on the ground and partners in following up on these commitments through sustained advocacy and monitoring is vital to their success, in addition to the credible threat of action by international actors, including the Security Council. However, more must be done to ensure that parties to conflict respect and comply with their child protection obligations and commitments. This should include targeted and concrete measures by the Security Council where insufficient or no progress has been made by parties listed in the annexes to my reports, particularly the persistent violators, in accordance with its resolutions 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005).

150. The Working Group has drawn the attention of several Security Council sanctions committees and their relevant expert groups to the repeated violations against children by leaders of armed groups, such as in the Democratic Republic of the Congo, with the aim of obtaining targeted measures against individuals or groups who persistently commit, or are complicit in the commission of, grave violations against children. Limited progress, however, has been made to date.

Progress made in the mainstreaming of children and armed conflict issues in United Nations peacekeeping and political missions

151. The Department of Peacekeeping Operations has significantly expanded the incorporation of children's issues in peacekeeping operations, including child rights and protection in training for peacekeepers and the deployment of child protection expertise in peacekeeping missions. Child protection advisers are currently deployed in seven peacekeeping operations. In situations where a peacekeeping operation exists, the Department of Peacekeeping Operations co-chairs the country task forces on monitoring and reporting. The department is currently developing a policy directive on mainstreaming the protection of children affected by armed conflict within United Nations peacekeeping that will also provide guidance on the role and function of child protection advisers in peacekeeping operations, outline the policy framework within which they operate, and define partnerships and coordination with other key child protection actors on the ground. The reports of the Secretary-General on country situations with peacekeeping missions have increasingly included child protection issues as a specific aspect of the reports.

152. The Department of Political Affairs has developed specific guidance on child protection for mediators. It has also recently revised its Operational Guidance Note on Disarmament, Demobilization and Reintegration, in order to integrate the

consideration of children and armed conflict issues that facilitate or impede peace processes, and has identified the release of children as a factor that promotes confidence between parties to conflict in its guidance on confidence-building measures. The newly established United Nations mediation focal point system of the Department of Political Affairs seeks to ensure that children and armed conflict issues are taken into account early on in the strategic thinking and planning phase of a peace process. Significant effort has also been made by special political missions of the Department to mainstream the protection of children and armed conflict throughout their missions and mandates.

153. The presence of child protection advisers should be integrated into or enhanced in all relevant peacekeeping and political missions as key implementers of Security Council resolutions, and in order to mainstream a child-conscious approach in the discharge of their functions. Child protection advisers engage in monitoring the situation of children in armed conflict, including monitoring grave violations under resolution 1612 (2005), engaging in dialogue with parties to conflict for the development of action plans, advocating on politically sensitive issues, thereby supporting operational partners who may be unable to do so without the risk of jeopardizing their programmes on the ground, ensuring systematic training on child rights and protection, lending support to the planning and implementation of disarmament, demobilization and reintegration programmes, and implementing other aspects of Security Council resolutions on children and armed conflict.

IV. Strengthening monitoring and reporting of rape and other grave sexual violence against children in armed conflict

154. Widespread and systematic rape and sexual violence against children, both girls and boys, is increasingly a characteristic of conflict, often perpetrated in a rule-of-law vacuum that is a consequence of conflict, and exacerbated by an ensuing culture of impunity. In some instances sexual violence has been used as a premeditated tactic of war designed to humiliate or exterminate a population or to force displacement. For children, the physical and mental consequences are devastating, with far reaching negative effects on sustainable peace and security. During the reporting period, high incidence rates of rape and sexual violence against children were received from Burundi, Chad, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Haiti, Somalia and the Sudan.

155. There is universal consensus that rape and sexual violence against children in armed conflicts are grave crimes. It is therefore critical that efforts be strengthened towards ending impunity and ensuring access to justice, accountability and remedies for cases of such crimes against children. International humanitarian and human rights law provides that children affected by armed conflict are entitled to special respect, protection and care, including against all forms of sexual violence and exploitation. Rape and other forms of sexual violence also constitute a war crime or a crime against humanity if committed as part of a widespread or systematic attack against a civilian population under the Rome Statute of the International Criminal Court.

156. During the Security Council open debates on children and armed conflict in February and July 2008, Member States reaffirmed the need to strengthen the general framework of protection against such crimes. The Council, as a follow-up to

its resolution 1325 (2000), has begun to translate that call through its resolution 1820 (2008), in which it requested in paragraph 15 that I provide "information on situations of armed conflict in which sexual violence has been widely or systematically employed against civilians; analysis of the prevalence and trends of sexual violence in situations of armed conflict". The Council also requested in paragraph 3 that, where appropriate, I "encourage dialogue to address this issue in the context of broader discussions of conflict resolution between appropriate United Nations officials and the parties to the conflict".

157. To this end, the office of my Special Representative has initiated consultations with relevant United Nations agencies and departments to devise a strategy to strengthen data collection and reporting on sexual violence within the framework of Security Council resolution 1612 (2005), which will provide a better platform for the identification of incidents, victims and perpetrators through a common set of indicators, and to enable a better analysis of trends on sexual violence against children. Resolutions 1612 (2005) and 1820 (2008) are mutually reinforcing, and the complimentary processes for documentation or reporting vis-à-vis these resolutions should be explored to allow for streamlined and better coordinated sharing of information on rape and sexual violence among United Nations agencies. Enhancing the participation of relevant United Nations agencies and departments working on the issue of sexual violence in the country task forces on monitoring and reporting is a step towards that objective.

158. In the light of the fact that children are particularly vulnerable to sexual violence in situations of armed conflict, and the culture of impunity prevails for such crimes, I recommend that the Council adopt an incremental approach by first including rape and other grave sexual violence as an additional criteria for inclusion in the annexes along with recruitment and use of children. Like the recruitment and use of children, sexual violence is always deliberate, targeted and a direct consequence of criminal intent. This would be a positive step towards expanding the protection framework for children and drive United Nations and international efforts to seal commitments to put an end to sexual violence against children.

159. The same way parties that are listed for child recruitment have to prepare and implement time-bound concrete action plans, steps also need to be taken to ensure that parties that are listed for rape and sexual violence against children enter into dialogue with the United Nations to formally outline commitments and undertake measures to put an end to such practices. Structured dialogue on recruitment and use of children has already paved the way for dialogue on broader child protection issues and enabled child protection actors in the field to pursue other priorities such as rape and other grave sexual violence against children, such as in Côte d'Ivoire.

160. This proposal as laid out above should be supported as a constructive step towards addressing issues of prevention, impunity, and response, in order to put an end to sexual violence against children.

V. Recommendations

161. It is recommended that the Security Council consider giving equal attention to children affected by armed conflict in all situations of concern listed in the annexes to my report, as well as other relevant situations of concern addressed in my report.

162. While acknowledging the equal weight for all grave violations against children, considering that children are particularly vulnerable to rape and sexual violence in situations of armed conflict, as noted in the present and previous reports, and the culture of impunity prevails for such crimes, it is recommended that the Security Council consider, at a minimum, expanding the criteria for the annexes of my report to include parties that commit rape and other grave sexual violence against children in armed conflict without prejudice to the possibility of further expanding the criteria in the future to include other violations, including, if possible, intentional killing and maiming of children.

163. As addressing sexual violence is an important system-wide priority of the United Nations, mechanisms and arrangements for monitoring such violations should be strengthened. Country-level task forces under Security Council resolution 1612 (2005) should include actors who monitor gender-based violations, and modalities for data sharing and coordinated action, including on access to justice and remedies, should be developed between gender-based violence and child protection actors. National capacity to address sexual violence should also be strengthened.

164. The Security Council is encouraged to continue to insist that parties in situations of armed conflict listed in the annexes to my report prepare and implement concrete time-bound action plans to halt the recruitment and use of children in violation of international obligations applicable to them, and to take measures against any parties that fail to comply.

165. The Security Council is also encouraged to call upon parties in situations of armed conflict listed in the annexes to my report to undertake specific commitments and measures to address other violations and abuses committed against children for which they are cited.

166. Concerned Member States should allow contact between the United Nations and non-State parties to ensure the broad and effective protection of children in situations of concern, including for the purposes of preparing action plans to halt recruitment and use of children and undertaking specific commitments and measures to address all other grave violations committed against children. The Security Council should encourage this. Such contact will not prejudice the political and legal status of these non-State parties.

167. The Security Council is urged to ensure that systematic communication is established between its Working Group on Children and Armed Conflict and the relevant sanctions Committees and their expert groups in country situations of common concern. This may include the Working Group bringing to the attention of relevant sanctions Committees and their expert groups specific information contained in my reports prepared in the framework of Security Council resolution 1612 (2005) for any necessary action. In situations where there are no existing sanctions committees, the Security Council is urged to consider means by which targeted measures may be applied against persistent perpetrators of grave violations against children.

168. It is recommended that the Security Council ensure that specific provisions for the protection of children continue to be included in all relevant United Nations peacekeeping operations and political missions, including by means of the deployment of child protection advisers. The need for, the number and roles of and

the budget for child protection advisers should be systematically assessed during the preparation of each peacekeeping operation and political mission, and children's concerns should be reflected in all mission planning instruments and processes, including technical assessment and review missions.

169. Given the regional dimension of some conflicts highlighted in this report, relevant Member States, United Nations peacekeeping and political missions and United Nations country teams should establish appropriate strategies and coordination mechanisms for information exchange and cooperation on cross-border child protection concerns such as recruitment, release and reintegration of children.

170. Member States should take strong and urgent action to bring to justice individuals responsible for the recruitment and use of children in violation of applicable international law and other grave violations against children through national justice systems. The Security Council is encouraged to refer to the International Criminal Court, for investigation and prosecution, violations against children in armed conflict that fall within its jurisdiction, and other international justice mechanisms should also prioritize accountability for crimes against children.

171. Member States are urged to ensure that children who are accused of crimes under international law allegedly committed while they were associated with armed forces or groups are considered primarily as victims, and that they are treated in accordance with international law, and within a framework of restorative justice and social rehabilitation.

172. States parties to the Convention on the Rights of the Child are encouraged to strengthen national and international measures for the prevention of recruitment of children into armed forces or armed groups and their use in hostilities. In particular, these include signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and enacting legislation that explicitly prohibits the recruitment of children into armed forces/groups and their use in hostilities; exercising extraterritorial jurisdiction in order to strengthen the international protection of children against recruitment; taking measures to implement the recommendations of the Committee on the Rights of the Child; and submitting timely reports under the Optional Protocol to the Committee on the Rights of the Child.

173. Effective disarmament, demobilization and reintegration programmes for children is crucial for the well-being of all children associated with armed forces and groups, and, as such, relevant Governments and donors should ensure that these programmes receive timely and adequate resources and funding, and are community-based for long-term sustainability. This is increasingly a critical factor for durable peace and security.

174. The monitoring and reporting of violations against children need to be supported with effective measures to prevent and respond to such violations. The Security Council should continue to call upon relevant national and international actors to support and expand programmes to ensure that children who are victims of violations have access to appropriate services and response.

VI. Lists[11] in annexes to the report

175. The present report contains two annexes.[12] Annex I contains a list of parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing also in mind other grave violations and abuses committed against children. Annex II contains a list of parties that recruit or use children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, also bearing in mind other grave violations and abuses committed against children. Parties marked with an asterisk (*) have been on the annex lists for a minimum of four years.

176. It should be noted that countries as such are not listed in the annexes. The purpose of the lists is to identify particular parties to conflict that are responsible for specific grave violations against children. In this respect, the names of countries are referred to only in order to indicate the locations or situations where offending parties are committing the violations in question.

[11] Pursuant to Security Council resolution 1612 (2005), the present report is guided by criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence; reference to a situation of concern is not a legal determination, and reference to a non-State party does not affect its legal status.

[12] The parties are listed in alphabetical order in the annexes.

Annex I

List of parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children[a]

Parties in Afghanistan

Taliban forces: *this party has also been responsible for the killing and maiming of children, attacks on schools and hospitals and the denial of humanitarian access to children in the reporting period.*

Parties in Burundi

Palipehutu-Forces nationales pour la libération (FNL) — Agathon Rwasa:* *this party has also been responsible for committing rape and other grave sexual violence against children in the reporting period.*

Parties in the Central African Republic

1. Armée populaire pour la restauration de la République et de la démocratie (APRD).

2. Forces démocratiques pour la rassemblement (UFDR): *this party has also been responsible for committing rape and other grave sexual violence against children in the reporting period.*

3. Forces démocratiques populaire de Centrafrique (FDPC).

4. Lord's Resistance Army (LRA): *this party has also been responsible for abductions and committing rape and other grave sexual violence against children in the reporting period.*

5. Mouvement des libérateurs centrafricains pour la justice (MLCJ).

6. Self-defence militias supported by the Government of Central African Republic.

Parties in Chad

1. Chadian National Army: *this party has also been responsible for committing rape and other grave sexual violence against children and the denial of humanitarian access to children in the reporting period.*

2. Concorde nationale tchadienne (CNT).

3. Convention révolutionnaire démocratique du Tchad (CRDT).

4. Direction Générale de Sécurisation des Services et Institutions de l'Etat (DGSSIE).

5. Front uni pour le changement (FUC).

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[a] Parties marked with an asterisk (*) have been on the annex lists for a minimum of four years.

6. Sudanese armed groups backed by the Government of Chad:

   (a) Justice and Equality Movement;

   (b) Sudanese Toroboros.

7. Union des forces pour la démocratie et le développement (UFDD).

Parties in the Democratic Republic of the Congo

1. Congrès national pour la defense du peuple (CNDP), formerly led by Laurent Nkunda and currently by Bosco Ntaganda: *this party has also been responsible for the killing and maiming of children, and attacks on schools and hospitals in the reporting period.*

2. Forces armées de la République démocratique du Congo (FARDC):* *this party has also been responsible for committing rape and other grave sexual violence against children, attacks on schools and hospitals and the denial of humanitarian access to children in the reporting period.*

3. Forces démocratiques de libération du Rwanda (FDLR).*

4. Front nationaliste et integrationaliste (FNI).*

5. Lord's Resistance Army (LRA): *this party has also been responsible for the killing and maiming of children, abduction and committing rape and other grave sexual violence against children in the reporting period.*

6. Mai-Mai groups in North and South Kivu, including PARECO:* *this party has also been responsible for attacks on schools and hospitals and the denial of humanitarian access to children in the reporting period.*

Parties in Iraq

Al-Qaida in Iraq: *this party has also been responsible for the killing and maiming of children in the reporting period.*

Parties in Myanmar

1. Democratic Karen Buddhist Army (DKBA).

2. Karen National Union-Karen National Liberation Army Peace Council.

3. Kachin Independence Army (KIA).

4. Karen National Liberation Army (KNLA):* *this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar.*

5. Karenni Army (KA):* *this party has sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar.*

6. Karenni National People's Liberation Front (KNPLF).

7. Myanmar National Democratic Alliance Army.

8. Shan State Army-South (SSA-S).

9. Tatmadaw Kyi:* *this party has also been responsible for the denial of humanitarian access to children in the reporting period.*

10. United Wa State Army (UWSA).

Parties in Nepal

Unified Communist Party of Nepal-Maoist (UCPN-M).*

Parties in Somalia

1. Al-Shabaab: *this party has also been responsible for the killing and maiming of children and attacks on schools in the reporting period.*

2. Remnants of the former Islamic Courts Union (ICU): *this party has also been responsible for the killing and maiming of children and attacks on schools in the reporting period.*

3. Transitional Federal Government (TFG):* *this party has also been responsible for the killing and maiming of children and attacks on schools in the reporting period.*

Parties in southern Sudan

1. Parties under the control of the Government of the Sudan:

Sudanese Armed Forces (SAF): *this party has also been responsible for committing rape and other grave sexual violence against children in the reporting period.*

2. Parties under the control of the Government of southern Sudan:

Sudan People's Liberation Army (SPLA).*

3. Lord's Resistance Army (LRA).

Parties in Darfur

1. Parties backed by the Government of the Sudan:

(a) Chadian opposition groups: *this party has also been responsible for the killing and maiming of children in the reporting period;*

(b) Government-supported militias:* *this party has also been responsible for killing and maiming, committing rape and other grave sexual violence against children, and attacks on schools in the reporting period;*

(c) Police forces, including the Central Reserve Police: *this party has also been responsible for killing and maiming and committing rape and other grave sexual violence against children in the reporting period;*

(d) Sudanese Armed Forces (SAF): *this party has also been responsible for killing and maiming, committing rape and other grave sexual violence against children, and attacks on schools and hospitals in the reporting period.*

2. Former rebel parties that have accepted the Darfur Peace Agreement:

(a) Justice and Equality Movement (Peace Wing);

(b) Movement of Popular Force for Rights and Democracy;

(c) Sudan Liberation Army (SLA)/Abu Gasim/Mother Wing;

(d) Sudan Liberation Army (SLA)/Free Will;

(e) Sudan Liberation Army (SLA)/Minni Minnawi: *this party has also been responsible for the killing and maiming of children in the reporting period*;

(f) Sudan Liberation Army (SLA)/Peace Wing.

3. Rebel parties that have rejected the Darfur Peace Agreement:

(a) Justice and Equality Movement (JEM): *this party has also been responsible for the killing and maiming of children and attacks on schools and hospitals in the reporting period*;

(b) Sudan Liberation Army (SLA)/Abdul Wahid;

(c) Sudan Liberation Army (SLA)/Unity: *this party has also been responsible for the killing and maiming of children and attacks on schools and hospitals in the reporting period.*

Annex II

List of parties that recruit or use children in situations of armed conflict not on the agenda of the Security Council, or in other situations of concern, bearing in mind other violations and abuses committed against children[a]

Parties in Colombia

1. Ejército de Liberación Nacional (ELN):* *this party has also been responsible for killing and maiming, committing rape and other grave sexual violence against children and attacks on schools in the reporting period.*

2. Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP):* *this party has also been responsible for killing and maiming, abductions, committing rape and other grave sexual violence against children and attacks on schools in the reporting period.*

Parties in the Philippines

1. Abu Sayyaf Group (ASG):*

2. Moro Islamic Liberation Front (MILF):* *this party has also been responsible for killing and maiming and abductions of children in the reporting period.*

3. New People's Army (NPA):*

Parties in Sri Lanka

1. Liberation Tigers of Tamil Eelam (LTTE):* *this party has also been responsible for killing and maiming and the denial of humanitarian access to children in the reporting period.*

2. Tamil Makkal Viduthalai Pulikal (TMVP) (former Karuna faction): *this party has also been responsible for the abduction of children in the reporting period.*

Parties in Uganda

Lord's Resistance Army (LRA):*

[a] Parties marked with an asterisk (*) have been on the annex lists for a minimum of four years.